PB81-243149

# Proposed Wastewater Treatment Facilities Olathe, Kansas, Appendix

(U.S.) Environmental Protection Agency
Kansas City, MO

Mar 81

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Region 7
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EPA

# Environmental Impact Statement

Final

## Proposed Wastewater Treatment Facilities Olathe, Kansas

## APPENDIX

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The Final Environmental Impact Statement Appendix contains the transcript of the public hearing held on August 28, 1980.

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UNITED STATES OF AMERICA

ENVIRONMENTAL PROTECTION AGENCY

In re:

Public Meeting on Environmental Impact Statement, Proposed Wastewater Treatment Plant, Olathe, Kansas.

Auditorium,
Oregon Trail Junior High,
1800 Dennis,
Olathe, Kansas 66061,

Thursday, August 28, 1980.

The public hearing in the above-entitled matter was convened, pursuant to notice, at 7:00 o'clock p.m., Robert E. Hoffman presiding.

BEFORE:

PANEL

ROBERT E. HOFFMAN, United States Environmental Protection Agency, representing the Regional Administrator of Region VII.

THOMAS F. LORENZ, United States Environmental Protection Agency, Region VII, Laboratory, 327 East Eleventh Street, Kansas City, Missouri, 64106.

DEWEY F. BROWN, JR., Sverdrup & Parcel and Associates, Inc., 800 North Twelfth Boulevard, St. Louis, Missouri, 63101.

LEE BRODBECK, City Manager, P. O. Box 768, Kansas Avenue at Sante Fe, Olathe, Kansas 66061

# C O N T E N T S


| | PAGE |
|---|---|
| Call to order | 4 |
| Opening Remarks, by Robert E. Hoffman | 4 |
| STATEMENT OF: | |
| Lee Brodbeck, City Mgr., Olathe | 7 |
| Tom Lorenz, E.P.A. | 10 |
| Mary Ann Verhulst | 15 |
| Mark Verhulst | 17 |
| Bob Lorenzen | 27 |
| Bob Gifford | 33 |
| Paul Haske | 34 |
| Bob Klein | 35 |
| Calvin Hunter | 40 |
| Robert Doherty | 42 |
| Ernie Ikeman | 50 |
| Tom Schwarzenberger | 52 |
| Gerald Streller | 54 |
| Jim Wheeler | 56 |
| Bill Ading | 62 |
| Dick Senchak | 78 |
| Shirley Hooten | 79 |
| Bill Heath | 81 |
| Eugene Ward | 90 |
| Loyd Sleezer | 92 |

C O N T E N T S (continued)


| STATEMENT OF: | PAGE |
|---|---|
| Warren Durrett | 95 |
| Barbara Enright | 96 |
| John Enright | 97 |
| Joe Bartlett | 98 |
| Mary Stricker | 100 |
| Ed Wine | 102 |
| Ernie Ikeman | 104 |
| Ed Schoenhofer | 107 |
| Randy Zibell | 108 |
| Eugene Wards | 110 |
| Otto Pretz | 110 |
| Adjournment | 112 |

# PROCEEDINGS

CHAIRMAN HOFFMAN: My name is Robert E. Hoffman. I'm a Presiding Officer for the United States Environmental Protection Agency, representing the Regional Administrator of Region VII, with offices in downtown Kansas City, Missouri.

Can those of you who are in the outer lobby come on in and come down in front.

Anyone in here feel free to come down front. You will be able to hear better, and we're going to ask anyone who wants to speak to come to the microphones.

Also, we have a reporter here who is taking a record of everything that goes in tonight.

With me this evening are Mr. Thomas Lorenze, Environmental Impact Statement Monitor for the Agency;

Debbie Mau, Grants Administration Engineer;

Dewey Brown with Sverdrup & Parcel, a consulting contractor for the environmental impact statement for E.P.A.;

Mr. Ed Vest who is the environmental impact statement section chief.

Also we have representatives of the city. Mr. Lee Brodbeck, city manager, is sitting here at the table and is representing the City of Olathe.

This is a public input hearing, as I said before, required by procedures prescribed by regulations for con-

sideration of a draft environmental impact statement which has been prepared and circulated and will be available here this evening for those of you who have interests to examine.

It has been circulated in connection with the proposed wastewater treatment system for Olathe, Kansas, subject to or pursuant to an application for a grant made by the City of Olathe.

Notice of this public hearing has been given in three ways to comply with the requirements of the federal Code of Federal Regulations.

The first notice was published in the "Olathe Daily News" on August 29, 30, and 31, 1980.

The second was the transmittal letter with the draft of the environmental impact statement attached which was sent to interested parties of record on July 17.

Third, it was announced in the Federal Register on August 1, 1980, which doesn't mean much to most people unless you read the Federal Register, but, in any case, it's required by the regulations.

The hearing will be conducted in accordance with procedures set out in the Code of Federal Regulations, Title 40, Section 25.

I should like to keep the meeting as informal as possible, with a view to giving all interested persons an opportunity to speak.

Please keep your comments and presentations directed to the subject which is the wastewater treatment system since a written record is being taken of these proceedings.

Incidentally, although you may not have been notified before--some of you have--written materials that you may wish to present may be given to the reporter along with your name, address, and a statement of your interests.

All these written statements will become a part of the record and will be presented to the Regional Administrator.

There will be no cross-examination of persons speaking here this evening. This isn't that type of hearing; but at the end of the presentation, those of you who have questions, relevant questions may be directed to the Chair and we will attempt to answer them or have them answered, if possible.

I'm advised that representatives of the City of Olathe--and I know, of course, the Environmental Protection Agency and the contractors, Sverdrup and Parcel, are all represented and are prepared to respond to inquiries.

The City of Olathe, through Mr. Lee Brodbeck, the city manager, will commence the proceeding with a preliminary statement with respect to the City's position.

Mr. Brodbeck.

Just one additional word. Some of you have registered out here. If you will, we would like to have each of you register or sign the registry papers in the front hall before you leave.

STATEMENT OF LEE BRODBECK, CITY MANAGER, CITY OF OLATHE

MR. BRODBECK: The public hearing tonight is the result of an Environmental Protection Agency decision to conduct a detailed environmental investigation on the impact of the sewage systems improvements recommended by the city in a study initiated by the city. This was a Facilities 201 Planning Report for Olathe.

This study was initiated by the city with economic assistance from federal funds granted by E.P.A. five years ago this October, with the original project being initiated in 1972.

The purpose of the study was to develop a recommended plan for sequences of improvements that, if implemented, would alleviate the existing problems in the city's sewage collection system, enable expansion of the existing sewage system to meet the treatment system needs of the city and the general public.

The area targeted for the study included the Little Cedar, the Cedar Creek Basin, and the Millcreek Basin in Olathe.

The study and the recommended plan were submitted to the state and E.P.A. approval in order for the city to qualify for federal funds to help pay the costs for design and construction of the eigible improvements.

At the time the study was initiated, conditions existed in the sewage collection system in Little Cedar Creek Basin whereby periodic overflows of raw sewage into the area creeks would occur at major sewage pump stations and from certain manholes.

The city's Harold Street Wastewater Treatment Plant which treats sewage generated by the Little Cedar Creek Basin and the Millcreek Basin were also near capacity. Today, nearly four years after the study was completed, these conditions exist and remain virtually uncorrected.

It is the city's desire at this hearing tonight that we will rapidly resolve any discrepancies in the reports and E.P.A. will approve funding to implement a project that will eliminate this bypassing condition that exists in the system today and provide sewage treatment capacity to serve the Little Cedar Creek Basin over the next ten years.

Since completion of the study four years ago, construction costs have increased over 30 per cent. In recent years, construction costs have been increasing at a rate of 10 per cent per year and can be expected to increase at near this rate in the foreseeable future.

We look to a favorable resolution of the question of negative impacts of the city's recommended improvement plan to avoid additional economic costs to the Olathe community and to avoid prolonging unnecessary risks to community health.

One other comment that I would like to make at this time that is really not particularly on the agenda, but I know that a lot of you were asked to come tonight to discuss the proposed sewer facility for that area that is outside the city in an area of Cedar Creek that flows near Lake Olathe, on that basin.

When the city submitted the plan of work that was requested by the Environmental Protection Agency to be studied by the City of Olathe, our recommended plan did not include the construction, funding, or the assessment of the project in that area through the year 2000. So if you happen to live in the area of the lake or north of the lake, the city did have, does not have any intentions of putting a sewer in that area through the year 2000 or assessing you for it, nor, as some of you have been advised, is the City Commission interested in annexing you at this time.

In the last four years, I know of no discussion by the City Commission on annexing any of that area. So if you have received that information, that is incorrect.

VOICE FROM AUDIENCE: Just what area are you talk-

ing about?

MR. BRODBECK: That would be the basin area, the Cedar Creek Basin area, running along Lake Olathe and north along that whole basin.

CHAIRMAN HOFFMAN: Mr. Brodbeck will continue to remain here, and let's save our questions until the completion of the initial presentation at least.

Mr. Tom Lorenz for E.P.A. will give a presentation here which will outline with slides and the like the exact nature of the problem as E.P.A. views it.

Mr. Lorenz.

STATEMENT OF THOMAS F. LORENZ, REGION VII LABORATORY OF E.P.A.

MR. LORENZ: My name is Tom Lorenz. I'm the environmental impact statement project officer for this particular project.

I'd like to speak for just one moment about the E.I.S. process.

The environmental impact statement, or E.I.S., as we refer to it, is primarily a decision-making document. It's also a very excellent public information document. In this respect, the Environmental Protection Agency has prepared this document to analyze each of the alternatives and the various impacts of each of those alternatives.

In connection with disseminating public informa-

tion meeting on January 10 of 1979 in which the various alternatives were discussed and comment was solicited from the listening audience. We are now again issuing to you an invitation to make comment on this, either in writing or orally here tonight.

Our comment period began on August 1, 1980, and will officially close on September 15 of 1980.

You may ask yourself why did we get into the situation where we have to have an environmental impact statement. E.P.A.'s reasons for initiating the environmental impact statement were the large amount of public controversy that this project brought out in respect to unwanted urban encroachment into rural areas on the west side of Olathe.

In addition to that, the Heritage Conservation and Recreation Service, which is a part of the U. S. Department of Interior, and has a stake in an area called Ernie Miller Park, refused to consent to an easement agreement which had been negotiated between the City of Olathe and the Johnson County Parks and Recreation District.

The environmental impact statement discusses the various impacts and some of the mitigative steps that might be taken to reduce those.

We might talk for one moment here about Ernie Miller Park. Ernie Miller Park is a 113-acre piece of land

that is located on the west side of K-7 on the north end of town just as K-7 begins to swing to the west. That piece of land was purchased by the City of Olathe in 1966 with the aid of a U.S. Department of Interior matching grant and later sold to the Johnson County Parks and Recreation District.

In December of 1976, the Johnson County Parks and Recreation District notified the City of Olathe of their objection to the city's plan to lay a sewer lane through Ernie Miller Park.

After that,the City of Olathe and the Johnson County Parks and Recreation District came to an agreement on an easement through the park to lay that lane. However, the Heritage Conservation Recreation Service did not consent to that easement, and we have some slides here that will familiarize you with the project area and some of the project concepts.

(At this time slides of the project area were shown.)

This is an overall view of the project area. The project area is that area which is encircled by this red outer line. This is I-35 going up to Overland Park. There (indicating) is Lenexa right up there. Gardner is right down here in this (indicating) corner. The main part of the city of Olathe lies in this (indicating) area. Olathe Lake is right here (indicating).

This is a closeup of the project area. The area in this shaded part in here (indicating), throughout this area in here (indicating) represents the area that is presently being served by the Harold Street Treatment Plant. This blue-shaded area here (indicating) is Ernie Miller Park. This is K-7 going north. The area within this red circled part here (indicating) is the Upper Cedar Creek Basin. This area inside here (indicating) is in the Little Cedar Creek Basin area.

This is a broad view of the city of Olathe's selected project. The project includes gravity sewer mains in the Little Cedar Creek Basin running north through Ernie Miller Park and along the general alignment of Little Cedar Creek to a proposed sewage treatment plant location in the area of the confluence of Little Cedar Creek and Cedar Creek.

The other part of the project includes a gravity main that runs down along the general alignment of Cedar Creek along the west side of Olathe Lake to a lift station at the north end of Olathe Lake that will pump the sewage through a force main down to the proposed plant.

This is a closeup of the city's selected project. Again you can see where Ernie Miller Park is here (indicating). You can see some of the detail of where this is in the city and how the gravity main runs along the west side of Olathe Lake.

This particular project, when it is completed, the adjusted cost will be approximately $19 million.

This is an overall view of EPA's preferred project. It also includes some alternatives to sewer lines that are fully explained in the draft environmental impact statement.

EPA's preferred project in the Little Cedar Creek Basin includes these mains here (indicating) going into a lift station which would pump the sewage through a force main around Ernie Miller Park and be picked up by gravity mains north of that area, and the sewage would flow down to the proposed sewage treatment plant location.

In the Upper Cedar Creek Basin, it includes these gravity mains to the south end of Olathe Lake where we would encourage them to place a pump station which would pump around the west side of Olathe Lake through a force main and dump into a gravity line at the base or the north end of Olathe Lake and from there flow to the proposed sewage treatment plant location.

This alternative would cost approximately $17 million.

There are 11 alternatives discussed in the draft environmental impact statement. Each one of them is developed. Some are developed more than others because they are a more viable project.

We are here to receive your public comment. We encourage you to make it. Again I would like to remind you that the comment period closes officially on the 15th of September 1980.

There are copies of the draft environmental impact statement and a cultural resources survey available at the Olathe City Library, and interested parties can go there and obtain these copies for reading.

Thank you.

CHAIRMAN HOFFMAN: I have registration cards here for two persons: Mark O. Verhulst--isn't that correct?

MR. MARK VERHULST: Verhulst.

CHAIRMAN HOFFMAN: All right.

(Continuing) --and Mary Ann Verhulst.

Ed, are there any other registration cards?

Would one or the other of you--I assume you folks are related by blood or marriage--do I understand that you want to make a statement?

MR. VERHULST: Yes, we have one.

CHAIRMAN HOFFMAN: All right. Who will lead off?

Mary Ann, let's let you start off, and that will sent the tenor so that there'll be no bats or bottle-throwing.

STATEMENT OF MARY ANN VERHULST

MS. VERHULST: Thank you.

I would like to present a petition that was obtained through the members of Water District 60 which is in the proposed area--I thought it was in the proposed area, Mr. Brodbeck--and so I'd like to present these petitions, and, also, I'd like to make a statement. I'll provide you with a copy.

My name is Mary Ann Verhulst, spelled V-e-r-h-u-l-s-t. I live in Olathe Township. The address is 24650 West One Hundred and Thirty-fifth Street, and that's Olathe.

I want to formally voice my objection to the proposed sewer project.

I feel as a rural resident of Olathe Township that our area is being dumped on. We already have a landfill that makes unpleasant odors; and Olathe, I feel, has already proven that it cannot maintain a sewer treatment plant that is acceptable, and I'm referring to the Harold Street plant which is a disaster, and most of the residents around there feel it has putrid odors that shouldn'be be tolerated.

I realize that Olathe's growth has present a lot of problems, but to unload on rural residents is unfair. We have not created or added to Olathe's problems, and the EPA study also suggests that 90 per cent of the unincorporated area will never have a future use for this project.

It would be a larger injustice that you would also ask us to subsidize your project. This kind of financial penalty could create a large hardship on the majority of the residents and probably force many to abandon what we feel is a saving way of life.

Mr. Brodbeck stated at the outset that the city has no plans to include us in this benefit district or annexation but has as recently as 1977--and I have a copy from the Olathe paper that showed at that time you did intend on annexing us and including us in a benefit district. In fact, the very option of annexation was suggested in the EPA study, that is, if those in the area were in objection that annexation would be an alternative for the City of Olathe.

Thank you.

CHAIRMAN HOFFMAN: Thank you very much.

Mark Verhulst, correct?

MR. VERHULST: Yes.

STATEMENT OF MARK VERHULST

MR. VERHULST: Mark Verhulst is my name, and I appreciate the opportunity to speak tonight.

I would like to say that I am against this sewer Plan No. 201.

My outline is not as good as Mary Ann's, but mine is a lot of questions, and the questions are stated to the

point that they are against Sewer Proposal No. 201 Plan.

I think it's a vast injustice against the people who live outside the city limits of Olathe, and one of the reasons is, according to the proposal here, 96 of the people who would be served by this proposal would be living within the boundaries of the city limits who will be served by the sewer district, and the remaining part of the people would not be served by it who live outside the city limits.

Mr. Brodbeck's first statement that he stated tonight was, one of his first statements, stated the fact that the city was not interested in the west side of Olathe.

According to the proposal, that west side of Olathe has to be included within that area to be feasible, because the EPA study says that it has to be the most economical way of putting it in is what they would like to see; and there were eleven proposals or eleven subjects treated in here of the different routes they should take, and the way it came out to be the best likely way to go would be within that western territory--that has to be in the sewer 201 Plan, so the best way according to EPA, and the only way according to EPA, is also including that western side. So they have to be interested in us.

The dump is another thing, according to the EPA, the Little Cedar Creek area, the water below that area doesn't have much wildlife in it, hardly any fish. They've

got a lot of algae, and the Big Cedar Creek area doesn't have this problem right now. It would have the problem, as I understand it from people I have talked with, it would have the problem on the area below the treatment area after the water comes out of the treatment where the site is proposed at.

Another thing that the city has done to us on the west side is that they put the Lake Olathe in. Prior to the lake, the Big Cedar Creek area had quite a bit of water in it, and now most of the time it's stagnant, and we have lost a lot of fishing out of the creek that used to be--some of the oldtimers here tonight can probably tell you how it was prior to the lake, and there again it was for the use of the city. The city had to annex the area to get the lake in.

The cheapest method according to this is taking in the western territory. If the city is not interested in this, we would like to have a written statement from the City of Olathe saying that they would not want to take us in and noncancellable, a written statement to take it out of the whole proposal, and start a new sewer plan up, No. 202.

I think most of the people here tonight would not have a written statement prepared. We're just lay people and just not used to this, or not prepared, but I would like to see them come up and state their names and say yea or nay for the proposal for your records, if they just come up and

say I'm against.

I understand that if they did come through, there would be at least a 100-foot strip tore out of the trees. It takes a 100-foot strip to go through to make it workable.

In my last, in my little statement here, I would like to know tonight, if possible, what it would take for us, in writing, to tell you that we do not want it. If it takes 50 per cent of the people or 51 per cent of the people, of the landowners, I'm sure that we can get those statements a petition, signed by the landowners telling you that we are against this area, this sewer proposal going in our territory. I don't know what it takes, but we would like to know tonight if we could to say that we do not want it.

Thank you.

CHAIRMAN HOFFMAN: Thank you, Mr. Verhulst.

Let me make it clear, this is a public input hearing, and none of the officers of E.P.A., and probably not of the city either, who are here tonight have any authority here tonight to make any decisions, any definite commitments. The record is being taken here tonight under the Federal Code of Regulations to present to the Regional Administrator, to make it possible for the Regional Administrator to make determinations respecting this application for grant and also to make decisions with respect to the alternatives or to turn the grant down if that should be indicated.

Now, the fact that you don't have any written statements--there isn't any magic in written statements. If you want to come up here to the microphone and state your name and address and state your position, what your interest is, and whether you're opposed or not, what part of it you are opposed to, this is perfectly all right, and that's what this meeting is about tonight. If we have to be here until midnight tonight, that's fine, and a record is being made of this, and it will be presented to the Regional Administrator, and it will be read and examined.

So I just want to assure you that the fact that you don't happen to have a formal, polished lawyer's or engineer's edition of a statement doesn't prevent you from making your views known.

Who will be next?

MR. BRODBECK: Mr. Hoffman.

CHAIRMAN HOFFMAN: Yes.

MR. BRODBECK: Could I answer one of those questions now?

CHAIRMAN HOFFMAN: Mr. Brodbeck would like to answer a question posed by Mr. Verhulst, is that correct?

MR. BRODBECK: If possible, could I have that last slide up on the screen?

CHAIRMAN HOFFMAN: Hold on for a minute, folks.

(At this time a slide of the project was shown.)

MR. BRODBECK: I'd like to clarify the point on what the city's project is again, as I tried to do at the first of the statement.

The city, in initiating this project, was to look at the Cedar Creek Basin. When the program was submitted to the state and EPA, we were also asked to take a look at the Millcreek Basin because that's where the Cedar Creek sewage is flowing right now. We were asked to study the whole basin.

A 201 Plan is a common terminology used by EPA to study only, not for design or construction, and so this is a study plan.

The plan that was expected to be submitted by the City of Olathe for design only included the plant up here (indicating) and this line (indicating) and the possibility of serving the southern industrial area by a line coming up through here (indicating). The construction plan did not include any of this project going down through here (indicating) along the lake and on down here (indicating) where most of you here tonight are talking about.

We were required to study it. We concluded along with you, and basically I thought along with EPA, that it was not financially feasible to put a line in in that area at this time. It would be too expensive to the city of Olathe, too expensive to the residents of the area, and the

population did not warrant it, and so I do want to make that clear. Our proposal is over there (indicating), not over here (indicating), but we were required to study both of them.

THE WITNESS: Sir?

MR. BRODBECK: You can flip that off, I think.

CHAIRMAN HOFFMAN: If you want to, you can leave it on. If you want to refer to it, leave it on.

MR. VERHULST: Why wouldn't the city keep it--why would they go clear up north way outside of their territory if the EPA study states that they should find the most economical way of putting this in? They are pumping this sewage now all over town. Why couldn't they lower it and put it back over here in this (indicating) bottom quandrant on the bottom of your map there, or put it within some other territory within the city where the lines already are?

CHAIRMAN HOFFMAN: Would you state your name again, sir?

MR. VERHULST: Yes. Mark Verhulst.

CHAIRMAN HOFFMAN: The machine can't see.

MR. BRODBECK: I can't answer your question. The original city plan did show the sewage treatment plant being down in this (indicating) area. After review by the city, the EPA, and the Department of Health, it was decided the most economical over a period of years of the study that it

would be best to move it up to the confluence because of expectations of this area might develop and the cost of the force main versus the cost of the sanitary sewer flowing by gravity.

The people in this area under the EPA study--it's recommended in the einvironmental impact statement at least, that these people that are outside the city, that if they are interested, if they would go to the county, county unified sewer district, who then would contract with the city for service to that area; and in the city's statement that we would be submitting tonight, we agree with that proposal, is that the city would serve that area if the people inside the city are interested in being in a district. Those that are not would become out of the district; and at the time that they would be interested, they would contact the County Unified Sewer District who then would contact the City of Olathe for service in that area.

MS. VERHULST: Excuse me, since you tried to answer my question, too.

My name is Mary Ann Verhulst.

I know this might be premature, but a lot of us in Johnson County are looking to the prospect that we might have to accommodate a GM plant, and I know some of their sewage might be going to the Indian Creek treatment plant, at least that's what was in the Olathe paper reported that

this area might be included in the Indian Creek plant, is that correct?

MR. BRODBECK: I can't answer your question. I don't think so today.

MS. VERHULST: O.K., but I'm just looking ahead to the future that GM would be a large impact, and possibly your estimates of this being enough to the year 2000 might be drastically changed if the GM plant went in, and that looking towards the southern lines there of the Upper Cedar Creek area that's in blue and that you say is now not in the proposal of the construction site, could be easily be used to carry off sewage from a possible GM plant if it was south of Highway 159 and east. I mean I can see this being a possibility. We can't write it off by saying, well, you know, this is the way it is now; but if GM comes in a month later and says, hey, we've love to set down in Johnson County in your little community of Olathe, how is this going to affect us again?

MR. BRODBECK: In the city's proposal, in our response, and as I indicated earlier, the changes to the plan that's shown in here is that we would serve this basin down in here (indicating) with a main running up there or paralleling existing lanes. This is already the industrial area of Olathe. We are now trying to make plans to serve a proposed new hospital, proposed new hotel, and these facilities

may well go into the Cedar Creek Basin.

The city's proposal as of now is to serve that area already, no matter whether General Motors goes in or not, because we do have property owners in the southern part of the city that are interested in developing their land right now.

We held a public meeting on that approximately two weeks ago in which our consultants presented a proposal to every property owner in the area. If you did not get notice of that, that's because you are not a property owner in the area. We're talking only about that southern area basically running along U.S. 169, trying to serve that.

The purpose of our meeting was to determine whether there was interest of those people in that area and if they would support the project, and they are starting to call back in and let us know right now.

EPA has a very definite policy in that if they do fund industry--it's an existing industry--then they have an industrial cost recovery procedure in which the industry pays back the federal government the funds. If not, it's been the city's policy to charge the industry for that particular sewage treatment; and any industry that we have talked to, including GM, has agreed to pay their fair share of any construction project.

MR. LORENZEN: I'm Bob Lorenzen, living at 2275

West One Hundred Nineteenth Street, and I see we have very similar names.

My interest--you might put your overlay back on there, please.

(At this time a slide of the project was shown.)

STATEMENT OF BOB LORENZEN

MR. LORENZEN: My interest, and you'll have to excuse my ignorance on many of the facts, as I have not picked up the booklet to see how I personally would stand. I'm an individual who resides outside the City of Olathe and have little desire, of course, to be annexed. That's an old hat joke that we've had down the annexation road here just recently.

CHAIRMAN HOFFMAN: You have a lot of relatives here apparently.

MR. LORENZEN: As I understand it, this entire project will be paid for by federal funds, and the city, general obligation revenue from the city, is that correct?

MR. LORENZ: My name is Tom Lorenz.

The way this type of funding works is that the Environmental Protection Agency, through a construction grant or a cost-sharing grant, would provide 75 per cent of the cost of the eligible project. The city, on the other hand, provides the balance of the cost of the project, whatever that might be and however they might finance that.

Now, because this particular project has sewer mains, has requested sewer mains that are larger than are justified by the population projections, each area will participate in 75 per cent of the grant eligible sizing in the project. The City of Olathe will pay for the other 25 per cent of the grant eligible construction, plus 100 per cent of any overdesign put into it.

Does that answer your question?

MR. LORENZEN: If I understand correctly. Consequently, living outside the city limits, then initially I would not be asked or expected to pay for any portion of this sewage proposal, is that correct?

MR. BRODBECK: I can partially answer your question, is that we don't know what the project is yet. This is a public hearing. EPA will determine what the project is. We don't know if the location of the treatment plant is where it's going to be until after this hearing process is over. All indications at this time is that those people that are going to be served by the sewer, which you are probably not going to be, will pay for it. Those that are not will not.

The indications in the report says, as I said earlier, those areas outside the city that want service would contact the United Sewer District of the County who then would contract with the city for serving it. Not know-

ing your location, where the project is going to be, what size of lines we're talking about, until EPA gives us an answer, I can't answer your question.

MR. LORENZEN: Mr. Lorenz, when would I obtain an answer to my specific question as a resident outside of the city of Olathe, whether I am or am not going to pay a levy which will further the completion of this project?

MR. LORENZ: You will be able to determine whether or not you're going to pay a share of the project after the project has been determined, that is, the specifications of the project have been determined, and the service area of the project has been fully determined.

MR. LORENZEN: That's like buying a logo. You know, personally, as I review this, I have no objection. I understand the necessity for sewer projects and--as well as everyone here does--but I will object, and I'd like to know by what means can I obtain my desire in this objection if I'm going to pay for something when I don't need it or if I'm going to pay for some service and I don't get it.

MR. LORENZ: Let me explain one thing. In the draft environmental impact statement, EPA has been sensitive to this particular matter, and we have recommended in the EIS statement that those people who live outside the city limits of Olathe who will have sewer mains crossing their rural property, or will be abutted up against it or aligned

in some way close enough to it, that since they will not be participating or being served by that, the draft environmental impact statement suggests that those people not be assessed for that supposed improvement.

MR. LORENZEN: In your suggestions, do you cover the possibility of my particular area--I would assume we'll come up with a levy to pay for this--and I'm annexed. Then I assume that I'm expected to start paying. Would that be a correct assumption in your EPA design?

MR. LORENZ: Mr. Lorenzen, I personally don't have a knowledge of the city and county tax regulations, and I'm not sure how that would impact you. I just don't have a way to answer that.

MR. LORENZEN: I've seen that go both ways. I've seen some bonds which you do start paying when you are annexed, and I've seen other bonds where you do not start paying. That's the reason I asked that question.

Do you have any feeling or any concept once this is put in, and as you indicated, through the County Commissioner's Office, I would assume,or a branch thereof, that the rural residents could obtain sewer service at a fee, do you have any idea what that fee would be either in dollars or in relation to what the other people are paying inside the city?

MR. LORENZEN: What that fee would be would be

determined by which project goes in and an assessment of the user cost on it. Since we don't have a decision on which project is going to go in yet, there isn't any way to tell you what that fee would be.

MR. LORENZEN: In your opinion, do you think that fee would bemore than what the city residents would be paying or would it be equal to?

MR. LORENZ: I don't know, sir.

MR. LORENZEN: A little bit ago it was mentioned that consideration was given to a different location for the treatment plant. Would you specifically show me where that was being considered?

MR. LORENZ: One of the possible locations for the treatment plant would be in this area right up in here (indicating). That would be an interim treatment plant; and after the 2 million a gallon a day capacity of that plant had been realized and there was a need for more capacity, that plant would be dismantled and another plant built to handle 3 million gallons a day would be built at the confluence of Little Cedar and Cedar Creek.

MR. LORENZEN: Thank you.

CHAIRMAN HOFFMAN: Mr. Brodbeck wants to respond to Mr. Lorenzen's statement.

If you have an unusual name like Hoffman or something like that, be sure to spell your name because the re-

porter sometimes can't understand it. He's taking this with a tape recording machine.

Thank you.

MR. BRODBECK: I could not respond to your first question; but when you asked it in a different way, I am able to respond to it, and that's the procedure for when you would know whether you would be in the district and what your cost would be, and, yes, we do have a definite procedure for determining that, and that would be a public hearing, at which time you would be notified that you are in the assessment district, that your expected cost is to be this much, and that would give you a right to protest at that public hearing as to whether you wanted to be in the district or not or as to whether you felt the cost was fair or not, so there would be that type of procedure once the project and cost is determined.

CHAIRMAN HOFFMAN: Now this gentleman here (indicating), I believe.

MR. GIFFORD: Bob Gifford, 1410 West Prairie Center Road, G-i-f-f-o-r-d.

First, I have a question. There is a plant of some type already built just west of the junction of K-7 and Sante Fe or West Prairie Center, whatever you want to call that road. What is that? It seems to be about where the No. 27 is on the map. It's right next to the Seven Day Ad-

ventist Church.

MR. BRODBECK: I believe the facility that you are referring to is what we call a retention basin. It's not a sewage treatment facility. What it does is it holds storm water, or not actually storm water--when there is a storm event, the flow in the lines increases in volume, and it increases in volume beyond the capacity of the lift station to pump to the next lift station which is over in that little cloverleaf on K-7 and 150. So it is diverted into that holding basin until the pumps can catch up with it and move it on.

MR. GIFFORD: Is that considered in operation at the present time?

MR. BRODBECK: Yes.

MR. GIFFORD: The other things I wanted to say, the Ernie Miller Park, being as it is located quite near within, say, driving time, if you will, of quite populated areas, undeveloped as it is now, nothing but dirt paths and a couple of wooden bridges, it's a very nice place to go, for children to see what is left of wildlife in this area. You can still go through that area, walk the dirt paths, see the rabbits, the squirrels, the birds, the lizards and the snakes, if you will. I'm very opposed to bulldozing right through the middle of that and running it all out. I think we've lost enough as it is, and I think we should

keep the nature that we have.

STATEMENT OF PAUL HAAKE

MR. HAAKE: My name is Paul Haake, H-a-a-k-e, and I am a rural resident on Lake Shore Drive just west of the city, more or less surrounded by the city of Olathe but not in the city limits.

While this has nothing to do with the sewer project, I read in the paper last week that the City of Olathe assessed some small property owners on Olathe View Road with small acreage, maybe two or three acres, up to $61,000 to put in a road to the Ernie Miller Park. Now, this has kind of frightening implications. I have eight acres of land on Lake Shore Drive just a half mile north of the lake. I'm not sure whether I'm in the Little Cedar Creek or in the other area, but, at any rate, we do not have water. We're not on the Rural Water District 6-A. We have no need for sewers; and if we get an assessment of fifty or sixty thousand dollars for a sewer which we don't need or don't want, that would drive us out of our land. I am retired and just raising a few head of cattle and so forthevery year, and this kind of a thing has frightening implications for me to have all these sewers built all around us. We're right about in the middle of all these proposed lines, and the thing would be pretty frightening.

We have had a lot of other peqle tell us that are

not on this Water District 6-A that they feel the same way.

I'm the treasurer of Olathe Township, and we get a lot of calls from people that have objections to this kind of thing.

I still don't know from Mr. Brodbeck if you consider us part of this district or not. We're not in the city, but we're probably surrounded on two or three sides by the city of Olathe being on Lake Shore Drive, and if we would be in this project or not.

Thank you. That's all I have to say.

STATEMENT OF BOB KLEIN

MR. KLEIN: My name is Bob Klein, and I'd like to briefly give you an unprepared statement.

The reason I'm unprepared is I didn't receive any information until a neighbor, good friend, came by and told me that there was something going on that did concern me. This concerns me that I didn't receive any information. I don't know if it does include me. If I'm not going to be required to pay and the sewage treatment doesn't concern me, then I don't have any place here; but if I do, I do want my statement to be heard.

We live west of Olathe Lake at 14330 Greentree, which is a new housing complex. We're not allowed to put a boat on Olathe Lake, to fish out of any of the waters, but we do pay taxes in Olathe, and that's a concern to me as

well.

If I am going to be annexed or required to pay for this sewage treatment in any way, I would like to make my statement known here and now that I am opposed to it. We are pretty much self-sufficient in the way that we do have our own sewage treatment in our way--the septic tank is quite acceptable to us. We do haul our own water, so we're self-sufficient in that way.

As far as those things goes, it disappoints me that Olathe would require me to pay for everyone else's other means of sewage treatment.

I would like to direct some specific questions, if I might.

We talked earlier about the overdesign costs in this project, and I'd like to know just exactly if we could have a figure on that. You said that we might be required to pay 100 per cent of all overdesign costs, and I'd like to know what that figure is.

CHAIRMAN HOFFMAN: Mr. Lorenz will respond.

MR. LORENZ: Mr. Klein, what I referred to on the referred to on the overdesign is that an issue came up between the City of Olathe and the Environmental Protection Agency grants division relating to the size of the mains put in. Now, the City of Olathe felt that these mains were justified and used certain figures to obtain a design size

for the mains. These figures were not in line with the Environmental Protection Agency's policies and guidelines for the eligibility part of the project. As a consequence, and just as an example, let's say that the size of line that was eligible under EPA's regulation would be a 12-inch sewer line, and that the city steadfastly maintained that they wanted to put in a 16-inch sewer main, EPA would pay 75 per cent of the grant eligible size, O.K., the 12-inch, and the city would be required to pay 25 per cent of the 12-inch size, plus 100 per cent of the cost,of the additional cost due to the larger pipe.

Now, we can't give you an exact figure on what this is going to amount to because the project has not been selected yet. There are 11 different alternatives. Consequently, there would be 11 different figures to set up; and since we haven't picked one, there's no way we can tell you at this point what that difference in cost would be.

MR. KLEIN: Thank you.

A couple of other questions that I will just run off that can be answered after I leave the mike.

I would like to know specifically what is required to pass this proposal and, alternatively, what can be done to veto it or to put it under.

Also, how do we get a representative of the city that can answer some of these questions, that can give us

figures, some things that we can sink our teeth into, that we know exactly what we're going to pay or what is necessary to get out from under the cost of the project?

Thank you.

CHAIRMAN HOFFMAN: I'm not sure I know where we are at this point.

Do you want to try to respond to those last two questions, either of you?

MR. LORENZ: O.K. Let me reiterate the question for a moment, as I understand it.

One, you wanted to know by what means you can prevent this project from going through, O.K., and, two, how you can obtain access to a city official to get some more information concerning the project.

I'll answer the second question first because it will be the easiest one.

I think you can obtain access to city officials easily of the City of Olathe. The city manager has his utility manager here, Mr. Terry McKenna, and he would be the city official that you could direct your questions to.

Now, as far as what type of steps could be taken to stop this project, this project is a matter between the U. S. Environmental Protection Agency, as an entity that provides financial aid for the construction of the project with certain conditions attached, and the City of Olathe. If you

are not in the project area--and that area will be defined when the final project is selected--if you're not in the project area, then the only other alternative you have of stopping a project like this is through organizing in a special interest group and expressing your views.

Does that answer your questions?

MR. KLEIN: Bob Klein again.

If I might ask, what is it going to take to pass this project? In other words, if you can tell me what it is going to take for this project to go through, the proposed project, that will tell me what it will take to preven it.

MR. LORENZ: The Environmental Protection Agency has a process in which, when they are asked to participate in the funding of a project like this by a community, they go into what they call Step 1. That involves a facilities plan that is proposed by the city. It's subjected to EPA for their funding and determination of eligibility.

After the Step 1 process, that is, after they have finally selected a project, then it goes to Step 2 which is the plans and design, and the city gets additional money to finance that part.

After that is completed, then it goes to Step 3, which is where the city receives their money for the actual construction of the project. We are now still in the Step 1 phase. The project has not been selected yet.

CHAIRMAN HOFFMAN: Do we have any other comments?

STATEMENT OF CALVIN HUNTER

MR. HUNTER: My name is Calvin Hunter. I'm the boy they're assessing $61,000 for a dead-end street.

Now, the thing I want to know is, I own the ground right against Ernie Miller Park--now, I don't know who is going to own it in a little while, but I probably won't--are they going east or west with this sewer around that park?

MR. LORENEZ: My name is Tom Lorenz. I'll answer that question.

There has been no determination whether they are going east or west. They can go either way. It is a shorter distance to go the west, on the west side of the park. However, there are problems involving the obtaining of easements and so on.

If they go around the east side of the park, they can align the easement with the Highway 7, and although they will have to lay somewhat more pipe to accomplish the same objective, they will already have the easement in existence that they can share with the highway.

MR. HUNTER: They don't know yet?

MR. LORENZ: They don't know yet.

MR. HUNTER: If they go, if this sewer line will go across me on the east side and then come up the north

side of my property line, am I going to have to pay for a sewer across the east and across the north?

MR. LORENZ: If your property is inside the city limits of Olathe, sir, then I think you should address that question to the City of Olathe, because they would be the ones that assess that, not the Environmental Protection Agency or the federal government.

CHAIRMAN HOFFMAN: Do you want to respond to this Mr. Brodbeck?

MR. BRODBECK: I thought it was some sort of rhetorical question since I've answered it three times already.

We do not have a project. We do not know what the cost is. We do not know what the assessment district is. This is an environmental impact statement hearing to determine whether it's environmentally safe to put a sewage treatment plant in, at which time the Environmental Protection Agency would decide what project there is. The City of Olathe can then consider the cost, the route, and who would be assessed. At that time there would be a public hearing at which the people would be allowed to participate.

If you're in the city, you will probably be in the benefit. If you're out of the city--at this point, we have never discussed you being in the district--but you would certainly be notified and have a right to comment at that

time, and again we do not know what the district is. We do not know what the cost is, so, therefore, we cannot give you what the estimate of the assessment would be.

MR. HUNTER: You still haven't answered my question. I said was it going to cost me all the way around my place. When you run a big main sewer like that through--

MR. BRODBECK (interrupting): As I just said, we do not know what the assessment district would be. We don't know what it costs, and I can't answer that question. In the past when we put in a main project, that cost is shared by all of those people in that basin that plan to use that line.

MR. HUNTER: Well, now you're getting closer, but you were a hell of a long ways off awhile ago.

MR. BRODBECK: I can't give you your answer because I don't know it.

STATEMENT OF ROGER DOHERTY

MR. DOHERTY: My name is Roger Doherty, and I have a prepared statement, and I'd appreciate it if you would bear with me because it's a bit long.

CHAIRMAN HOFFMAN: Can you submit us a copy of it when you are through?

MR. DOHERTY: Yes. I'd still like to read it, though.

CHAIRMAN HOFFMAN: Yes, that's fine.

MR. DOHERTY: I have read your environmental impact statement, and it's based on what I read in the book and not Mr. Broderick's statements about the city.

I live at Rural Route 3, Box 58 in Breckenridge North Development in the Upper Cedar Creek Basin boundary of Olathe, just up from where that (indicating) big blue dot is, about half way on the blue line.

I find I cannot agree with this draft inits entirety, and I am pleased that you cannot, as the EPA, accept Olathe's city grant, facilities Plan 201 because, from my understanding of this, you're not accepting that.

Your recommended Plan 2(b) is not basically much different, though, but it does save two and a quarter million dollars, but it doesn't stop the city from being able to go ahead and construct this 201 plan. All it states then is that the city will incur the rest of that expense. So the plan could still be a $19 million plan.

I am disappointed that your recommendations on Page 192 are just that, that they are recommendations. They should be part of Page 191: Requirements as Conditions for Further Granting, For Further Funding.

If you don't know what 191 and 192 are, they are two pages, and Page 191 states what the EPA in my opinion, believes it's going to recommend to the government, which is Plan 2(b). It also recommends how they will react to Ernie

Miller Park. It also states, then, in other areas of ecological effect. Plus, then, it goes on to Page 192 and just makes recommendations that the city bear the cost above and beyond and that only those who are attached to the sewer be charged, and those are recommendations. Those aren't requirements. You could change those to requirements, and this is where I feel you could.

As I read your draft, I continually ran across the statement: "Adverse economic impact that will be caused by" such-and-such and so on. You are talking about in your such-and-such and so on about the severe straining on the city's financial capabilities. This appears on Page 112, Paragraph 2, and again on Page 147. You are talking about different cost abilities, whether you accept the plan or nothing, you know, which way you go, also, about the leap frog of development if no plan is approved, and this would be especially adverse, you say, to Persimmon Hill, and this is written on Page 160.

You also talk about the loss of wildlife and mobile species of amphibians, reptiles, ground birds, nestings, and this is all in Page 135 and 136.

You also discuss the adverse effect of the west s side of Olathe Lake which, if you build Plan 201, you will just about deface the west side of that lake, Taking that sewer through that part of the lake, you will take every

tree out, and that will take 100 years, according to your plan, to put back to what it looks like now.

On Page 81, you give consideration to the cost of repairing a broken chlorinator at Leaviar Estates,and you say it is too high for the benefits derived, and I know here that even if the cost was too high for fixing the chlorinator, at least the residents of Leviar Estates would be getting something for their money because they are already on that system.

Your draft considers everything and the effects of the sewer on them, the city, population, industry, birds, fish, water, odor, developers, wildlife, trees, rocks, et cetera, but only in your last few pages do you consider the effect on the pocketbooks of people inside the boundary area, and your draft includes the whole Upper and Little Cedar Creek Basin and not as the city has proposed.

It would be too heavy a tax burden for most of the large landowners to be taxed by acreage or footage. Most of the area in the Upper Cedar Creek Basin have no sewers connecting homes or larger connecting sewers that, in turn, could be connected to this trunkline. The cost for connecting sewers in small development areas such as my own, Breckenridge North, into a larger one, taking us down to the proposed sewer, would almost cost us our home.

We are quite adequately served by septic tank sys-

tems.

I don't know the procedure used to charge homeowners for your sewer service charge. If a sewer charge is based on fresh water used in the home or on the farm purchased from the city or water district, may I remind you that most of the area outside of Olathe city limits has no water at all. Some are on water districts such as myself, Water District No. 6; but some of my very own neighbors are not able to have piped-in water, as District No. 6 is only able to support about 200 to 250 users. District 6-A also taps onto us and supports a few more people. I don't know many, 40 or 50, if that many.

We don't have even fresh, piped-in water available to us, and I am afraid we are going to be asked to support to pay for sewers that we don't want or would not be able to hook onto.

Most of us outside the city have very limited fire protection, also complicated by no fire hydrants. I am sure the City of Olathe is ready to annex us and give us all of these things, and sewers, too. Of course, this would be another benefit district charge. This would be another benefit district charge and even higher user charges and taxes. You know, you don't get water pipes free. I'm sure you know that.

I also disagree with your adverse impact on loss

of agricultural acreage when the development of homes takes place on one- to two-acre lots--you've stated that this is an adverse condition to agriculture.

I disagree that saving 3,000 acres and jamming 12,000 people on 1,400 acres is a benefit to mankind, and this is what you say areas such as controlled growth, like Persimmon Hill, will do, save 3,000 acres compared to 4,000 for the same amount of people.

I disagree with the city's desire to have more and more growth in Olathe. The city's present population is around 37,000 people, plus the surrounding areas, which makes for a pleasancy in rural area. More isn't always better.

People are leaving the cities of Kansas City, Kansas, and Kansas City, Missouri, just to get away from crowding and crime. Along that same line, though, only a little differently, I doubt that the exit from the big cities will be as great as predicted for in the future mainly because of the cost of gasoline, housing,and interest rates. Housing starts have been down this year,and gasoline has said to be going up to about $1.50 to $2 by Christmas--that's what we've heard from the national television stations.

Olathe is basically a bedroom community, with most workers going into the big cities for work each day. With

people beginning to consider the cost of long highway trips to work and the high cost of housing, et cetera, I doubt that yours or the city's projected population growth for the year 1990 or 2000 will even be moderately reached.

If you recommend Facilities 2(b) plan as stated in the draft--and I'd like to inject here, in your draft you say some of the ways we can be taxed is by being annexed by the city, and then they could, of course, give us a sewer service charge.

We could also have the County of Johnson County form a sewer benefit district on us and also be given a sewer service charge, of which you have not stated how these charges are--are they done by being hooked right into the sewer, are they done by acreage, are they done by footage. It can be very, very devastating if it's done by acreage or footage in the amount of money that it will cost us.

If you recommend Facilities Plan 2(b) as stated in the draft, and if the County of Johnson County, Kansas allows a benefiit district to be formed and taxes me for a sewer, which I do not want or need, and/or if the City of Olathe successfully annexes my area and taxes me for a sewer, I will object by paying my real estate taxes under protest.

I'm not a lawyer--I don't know if this will do any good, but at least you will know I am protesting your sewer.

I will then feel also that the federal government has done me a great disservice, even to the point of possibly causing my three small children to become latchkey children because their mother would have to go to work to earn enough money to pay for the higher taxes, which is possible if you charge us $4,000 an acre--which that could be hearsay. We don't know what it's going to cost yet, but I'm ready to go the high figure rather than the low figure from what I've heard from other people in the past.

I respectfully submit that you recommend the no action facilities plan, which is also one of your alternatives, where nothing will be done, and the City of Olathe will be required to do what it can, and this is where you say the financial strain to the city would be excessive and they would probably do nothing other than let more lagoons and more small sewers be built, and this is fine for the time for this area, especially because of the density of the population.

I respectfully submit that you recommend the no action facilities plan or revise the 2(b) facilities plan to include your recommendations on Page 192, Part (c), Section 2(a), (b), and (c) as requirements for further funding of the Facilities Plan 2(b) as stated on Page 191.

I would like to thank you for giving me this opportunity to state my recommendations.

CHAIRMAN HOFFMAN: Thank you.

Can we have a copy of your statement?

MR. DOHERTY: Yes.

CHAIRMAN HOFFMAN: Anybody else?

STATEMENT OF ERNIE IKEMAN

MR. IKEMAN: My name is Ernie Ikeman, and I live at 25450 West One Hundred Twenty-seventh Street, and I have here some text out of your EIS statement that I would like some clarification on. I think it gets to the heart of the problems I have with accepting this plan.

You reference an agreement to be reached by which the county would form sewer benefit districts as needed in the unincorporated areas and contract with the city for treatment at the new plant. The agreement would also stipulate that the city would forego involuntary annexations in the study area during the design period, and that no costs would be assessed by either the city or county against any property until it was connected to the system. Such an agreement would allow extension of service to those desiring it and would not prohibit either the city or the county from requiring problem areas under their respective jurisdictions to connect to the system. It would, however, remove much of the concern expressed regarding involuntary annexation and taxation.

So what are they saying here? There will be no

mandatory hookup during design stage, but after it's completed and they form a benefit district, we will have no rights whatsoever to protest hooking onto this system, is that what you are saying?

MR. LORENZ: My name is Tom Lorenz.

I believe what we have here is a misunderstanding of terms. What that refers to is the design period, not the design stage. The design stage is a period of time in which the project is being designed and laid out. The design period refers to the amount of time that the finished project is designed to give service for, in this case 20 years. So when we talk about the design period of the project, they are referring to a period of 20 years or the year 2000.

MR. IKEMAN: At that time, after the year 2000, any areas that do not want to connect to this system will not have that option, is that correct? It will be a requirement after the planning stage is over, assuming this agreement is--

MR. LORENZ (interrupting): According to the environmental impact statement, it will be an option.

MR. IKEMAN: This is in conflict with what I read here.

MR. LORENZ: There is presently legislation on the books that has recently been passed authorizing formation of county unified sewer districts in several of the

more populous counties in the State of Kansas, and I think that this is what you are referring to, and this particular legislation would allow the state or the county to require the formation of a sewer district in an areas which they felt represented a human helath problem from their waste disposal methods.

MR. IKEMAN: So that would be a requirement if a certain area is designated a problem area?

MR. LORENZ: It could be.

MR. IKEMAN: I would like to make a comment on the statement here, that it would remove much of the concern expressed regarding this. I don't think forcing this upon residents in a problem area, as you say, in the unincorporated part of the city is going to remove the concern. I think you may remove some of the complaints because people will lose their right to object to this, but I don't think you will eliminate the concern that most of us have, and I am in favor of the no action plan also.

Thank you.

CHAIRMAN HOFFMAN: Do we have anyone else?

STATEMENT OF TOM SCHWARZENBERGER

MR. SCHWARZENBERGER: My name is Tom Schwarzenberger; and since my name is obviously of Irish descent, I'd better spell that for you. That's S-c-h-w-a-r-z-e-n-b-e-r-g-e-r.

I'll probably touch on a number of things we have already touched on here tonight, but I'd like to touch on them again.

First of all, I am also very much against the proposed project, and I'd like to go on record as saying that.

I have several reasons for that:

No. 1, I'm very much an environmentalist, and I think if we go through with some of these studies, especially the one in the Upper Cedar Creek Basin, we will be destroying a lot of beautiful country; and if any of you are familiar with the area, that is west of Lake Olathe. I think you will agree that it is just that beautiful, O.K., and we will be destroying a lot of beautiful trees, wildlife, and the ecological balance of the whole thing.

Another thing I'm very much against, should this become a fact, is the tremendous hookup costs involved. It will be a tremendous financial hardship to us out there, especially those of us who believe that our families come first. I am one person who believes in keeping my wife at home with the children, and I'm really pushing to keep it that way.

Another thing is the excessive population problem we might have. We believe in being self-sufficient. That's why we're out there. We're willing to put up with the hassle of hauling our own water, putting up with the septic sys-

tems we have, but we opted for that. We're willing to do that.

Annexation is another thing that's been mentioned. It's a strong possibility. You look at that proposal up there, and then it's just like getting claustrophobia. You can see it moving in all the way around you. It bothers me. The levy thing that's been mentioned, that's a strong possibility of moving in. I'm just very much against it.

Thank you very much.

CHAIRMAN HOFFMAN: Thank you.

STATEMENT OF GERALD STRELLER

MR. STRELLER: My name is Gerald Streller, S-t-r-e-l-l-e-r, and I live right on top of that green line (indicating), about a mile from the plant.

I don't have a prepared statement.

I've been sitting here tonight listening to this, and I'm reminded of a joke going around work that asks you what are the two biggest lies you know. The first one is the check is in the mail. The second one, of course, is I'm from the government and I'm here to help you.

We have been told that they don't know what this is going to cost, they don't know who this is going to be paid by.

I have what I have been told is a copy of the EPA statement. If I may quote a little bit from that, it says:

"For those residences in the project area not already connected to a public sewage collector system, there will be also a one-time charge for connection to the proposed system. This cost is expected to range from three hundred to one thousand dollars."

In addition it says--I think there's one other charge here. There's two charges, and that's the first one.

There's a second cost, and it says:

"This cost will also vary depending upon the lot size and assessment and is estimated to be in the vicinity of fifteen hundred to two thousand dollars per lot.

"These two one-time charges, when added to the cost of the proposed project, could cause substantial hardship for a limited number of study area residents, depending upon the financial schemes made available by the city."

Now, I submit that the EPA which has published this has agreed that this thing could potentially cause some pretty severe economic hardships.

What am I going to get out of this? I see myself--I've got two acres. I've got a couple kids. We go out there. I don't need this. I've got sewer. I've got water, and I'm perfectly happy.

What I see happening is southern Olathe wants to put up some industry. They want to build something down there. I'm perfectly fine. I love Olathe to do that. That's

great. They can do this. Why are they, clear down there, going to bring all this up there and dump it on me? I see no benefits for me. I'm not a developer. I'm not going to go put a bunch of houses in there, so, you know, the sewer district is not going to do me any good. I see this thing coming to the point at which you can say, well, we don't know what it's going to cost, we don't know what you're going to do, and once we get the proposal together,then we'll tell you.

Well, I'm afraid that once you get it together to tell us, then it's a little bit late, because you're going to do it.

STATEMENT OF JIM WHEELER

MR. WHEELER: Mr. Chairman, I'm Jim Wheeler. I live in the city, and I think I'm the first one here that lives in the city that has complained.

I didn't say it was against the project I'm complaining.

First of all, I guess I'm dumb or too busy trying to make a living to pay the rest of my taxes that I didn't find out about this until this afternoon about 3 o'clock that there was going to be a meeting.

We assume tonight, and I hope this is true, that you have made a complete and total survey--Mr. Lorenz, is that true, of the sewer problems of Olathe?

MR. LORENZ: No, only in this area.

In answer to that question, the survey that was done in the project area concerning the present sewage problems was done by the City of Olathe's consulting engineers as a documentation of the problems that existed.

Now, those we stated in the facilities plan; and along with other pieces of written information that the city submitted to the Environmental Protection Agency, we did our environmental analysis based on that.

MR. WHEELER: That's what I thought.

As usual, as has been the case for 25 years that I've lived in Olathe, we're trying to catch up. So what I'm saying to you is that the next thing we're going to look for is another meeting of EPA to tell us about how they're going to improve the Millcreek sewer over on Harold Street. The next time there will be a meeting for the east side people to discuss how they're going to improve the east side sewer treatment plant, No. 10. It's already running over, just as the Harold Street is. There isn't a sewer treatment plant in Olathe that is properly functioning and living within its capacity, and I have not heard here tonight that we have resolved any problem with $19 million expended except to take $19 million of taxpayer money and spread it out, whether it comes from EPA or we people here in Olathe.

Now, I think EPA has a responsibility to the tax-

payers of this community to stop this project until sometime the City of Olathe comes forth and says, "W are going to put in one or two treatment plants. We want to fund them this way, and this will resolve the sewage treatment problems of Olathe for the next five years, ten years, twenty years, or whatever it's going to be. "

I hear nothing here tonight as to full capacity. I read in the paper that Mr. Brodbeck says that perhaps before too long we're going to need 4 million gallons per day or we're going to need 6 million gallons per day. I've heard nothing about this.

I don't think the taxpayers object to taking care of their sewage; but they want to make sure that when it's taken care of that it's taken care of for the next 20 or 30 years, and if they spend their money that it's all going into that and not somebody else's research pockets or some other place, as we are wasting taxpayer money today.

It's interesting to note that we have been trying for some time on the west side--and I happen to live on west of "7"--to get a representative at city council, and we don't seem to be able to get one because the city council won't take up the issues of granting the election program that would give us the ward election. So we don't even have a representative from the west side on the city commission, and we think it's about time, if we're going to be taxed, that we

get one.

I noticed the Mayor is here this evening, and he and Bobbie Huggins have been in a feud over whether we're going to get this done or not, and I think it's about time, if they're going to tax us, that we do have a representative. I have no one here to look to to tell me how we're going to spend my money.

Now, there's an interesting thing, Mr. Brodbeck, I'd like to ask you. Won't this sewage treatment plant also handle the industrial airport?

MR. BRODBECK: No, there's no plans in this particular proposal to make any--

MR. WHEELER (interrupting): I didn't ask you that. My question was, Mr. Brodbeck, would it not be able to serve the industrial airport.

MR. BRODBECK: It would be able to serve the city of Gardner.

MR. WHEELER: That's correct, and if we wanted to hook in there, that's right,we could, couldn't we, and what would they pay?

MR. BRODBECK: I think your points are political, ridiculous, and I don't think it's necessary that we answer it.

MR. WHEELER: And you're a paid employee of the city to tell us the answers, and don't tell us anything, Mr.

Brodbeck.

MR. BRODBECK: Mr. Wheeler, you're out there to try to promote a political situation. I'm here to answer specific questions.

MR. WHEELER: I defy you to say that.

MR. BRODBECK: The plans do not take in the construction of the industrial airport. The industrial airport is also doing a 201 study, and which you may be invited to a hearing to hear about. Mr. Bacon is here tonight. He can answer your question as to whether we're planning on serving the industrial airport better than I can, because I don't have anything to do with it.

MR. WHEELER: They have also been told, have they not, Mr. Brodbeck, that they must shut off their sewer once the lake south of here is open?

MR. BRODBECK: I have no information as to what they have been told. You may know more about it than I do.

MR. WHEELER: Well, don't you think we should be knowing since we're proposing this project--

MR. BRODBECK (interrupting): No, sir, because that project is not proposed to serve the industrial airport. That's what I just told you.

MR. WHEELER: Are we not serving them with water or proposing to give them water?

MR. BRODBECK: They have asked for water.

MR. WHEELER: Are we not proposing to give them water from the city of Olathe?

MR. BRODBECK: There has been no proposal. We are having a presentation in two weeks as to where we might expand our water facilities. They have asked for water from several different sources: Johnson County No. 1, Wholesale Water District, Hillsdale, and some other projects.

MR. WHEELER: All right, now, Mr. Brodbeck, would you please tell us how this project will be funded?

MR. BRODBECK: Which one?

MR. WHEELER: The sewage treatment plant.

MR. BRODBECK: I think I have already answered that.

MR. WHEELER: No, you haven't how it's going to be funded. General obligation bonds, revenue bonds, or what proposal?

CHAIRMAN HOFFMAN: At the front end of this, Jim, and you may not have been here at that time, I indicated that there wouldn't be any cross-examination here, and I know this is difficult for a lawyer to swallow being one myself, but if you have cross-examination in mind, you have an appropriate forum down at the courthouse.

MR. WHEELER: I think everyone here was looking for answers, and I think they want to know how much it's going to cost them.

CHAIRMAN HOFFMAN: I think these gentlemen have been over that about a dozen times. Is there another statement to be made? Do you have an additional statement to be made for the record?

MR. WHEELER: I don't believe you want me to make one, so I'll quit.

STATEMENT OF BILL ADING

MR. ADING: My name is Bill Ading, and there's been one question here asked about three times tonight, and it's been talked around, and it's obvious that we're not interested in this sewer project, and what I'd like to know is how we turn it down.

Mr. Brodbeck, you are representing the city. Could you give us answer?

MR. BRODBECK: Are you inside the city?

MR. ADING: No, I'm not inside the city, and I don't want to be. I'll tell you, right now we get all the city's dogs, and we get all their trash dumped in our ditches, and we surely don't want their sewers.

MR. BRODBECK: As I've tried to say before, we do not know what the project is. We do not know what the assessment district is, that if it is determined that there is a project, there will be a public hearing for all those people that will be assessed for the project. At that time they will have an exact dollar cost of what we would expect

them to be assessed. That will be a maximum figure, not to exceed that. That's a standard procedure. That project, then, could be below that cost, but it would not exceed it. We're at least a year away from probably determining that, I don't know what it's going to take. Normal procedure on a project like this is 12 to 18 months for design to determine what the actual cost is.

We can't even proceed with that until we have EPA approval. That can't come until after September 15 when they look at it and make a recommendation on which plan is accurate. I would like to be able to give you that information and allay some of your fears, because I believe most of you will not even know that this project is going on because you are not going to be in the assessment district because we're not planning on serving you with this sewer because you don't want it, and we're not interested in serving that area over there because it's going to be too costly.

If I could give you those facts, I would. I cannot. Anything I would give you would be false because there is no information to give you.

MR. ADING: Well, it looks to me like, you know, that we're not interested in it, and we could save you a lot of money if you could just tell us how we could vote it down and be done with it, you know, this one here, and you can

move it on to somewhere else.

MR. BRODBECK: There's no procedure if there isn't a project. You have to have a project to protest. We don't have one to protest yet. At that time you will have the opportunity.

MR. ADING: Well, what's the hearing for?

MR. BRODBECK: This is a required federal hearing on the environmental impact of a proposed sewer project, environmental impact hearing. That's what was put in the paper. That was the notice that went out. Some of you have spoken to the environmental impact, and that's what the purpose was.

MR. LORENZEN: Mr. Chairman, Bob Lorenzen again.

Would it be possible, Mr. Lorenz, inasmuch as you can see many of the questions that we have here this evening have not been answered, especially with me, as I've indicated before, who's going to pay and how much, and that green line up there (indicating) runs right past my property?

Would it be possible to set aside the 15 September date--I fully appreciate the city is perhaps under the gun to get something going and EPA and items of that type, but I think it's evident by the number of people here this evening, the questions which this hearing has brought forth, that people are concerned and concerned for many various reasons. My request is, and I'll give it to you inasmuch as

we have no control as living outside the city over the functions of the city, its elected officials, city managers, manager, what have you, but I think we do have a way of gaining your attention as we do pay our federal taxes, and we do have representatives and so forth. Could we set this aside until a later date and come up with the cost analysis on who's going to pay and how much, and as our newly-acquired $61,000 taxpayer over here, he would like to know, you know, I think it's a good question--am I going to pay going up the east side and also the north--give us a little more information; and until that time, set this date aside and let's come up with some good answers.

That's a request, and maybe I'm out of order. Maybe no one else would want that, but I'd certainly appreciate it.

MR. LORENZ: My name is Tpm Lorenz. I'll answer that.

There is a provision in the environmental impact statement regulations permitting the comment period to be extended 15 days. That can be extended to various individuals or other identified groups that wish to make a statement upon their request of an extension.

Now, as far as putting off the project until there is more cost analysis provided, let me reiterate the project now is in the Step 1 phase. That is a phase in which all

alternatives are considered. The end of that Step 1 phase comes after the commentary period on the environmental impact statement.

When a project has been selected, that is, when one of these eleven alternatives have been selected, then the detailed cost analysis can be undertaken because the next step in the process, as we go on to the Step 2 part of the grant, involves the actual design of the facility; and along with that design will come the projected cost of the facility. So at that time there will then be an identified project, one identified project, and a detailed cost analysis of what that will be.

MR.DOHERTY: My name is Roger Doherty, and I have some questions at this time that I'd like to ask you, sir, with the EPA.

Am I misunderstanding Page 191 in your draft that you have not already chosen Plan 2(b), that that is going to be your recommendation to the government?

MR. LORENZ: Plan 2(b) with the modifications of pumping around the west side of Olathe Lake--incidentally, that particular aspect of it would be for the protection of Olathe Lake in that the excavation necessary to lay a force main would be less severe than that required to lay a gravity main along that side, O.K., and with the additional modification of pumping around Ernie Miller Park is EPA's pre-

ferred project. That is the project that we intend to recommend.

MR. DOHERTY: That's what I thought.

Another question that I'd like to ask you, if you recommend this project, 2(b), as amended according to Page 191, plus recommendations of 192, can the City of Olathe then go ahead with its grant plan 201, which is a different plan. It is the full main plan that will use a forced main from this little blue dot right there (indicating) all the way up to the main plant. Now, I live in that area right there (indicating), that little peninsula; and according to the draft, if the city does build the 201 plan and uses a forced main up through here (indicating), you said that anybody from this area forward up in this area right up here (indicating) would not even be able to tap into the main because you cannot tap into a force main. We would, therefore, be included, if this comes about, as it may, in the tax base, and yet we would not even be able to be on the sewer in any w ay, shape, or form. Your plan, of course, is for a force main down through here (indicating) or just like by the lake, and then, of course, that would be gravity, but can they go ahead and put in the 201 plan?

MR. LORENZ: Let me explain this in this manner. The City of Olathe can build any facility that they want if they do it with their own money. If they want the Environ-

mental Protection Agency to participate in the financing of the project, then we will have to come to an agreement about what the project will be. In other words, we will control the purse strings on 75 per cent of the grant eligible project. So to answer your question, the City of Olathe conceivably could, although I doubt very much if they would, go ahead and put in the project in some other manner. However, EPA's position would be if we did not agree with their proposal, then we would not participate in the funding of it.

MR. DOHERTY: Would you reconsider or do you reconsider? Say they decide they want this, can you go ahead and say, "Well, we'll go ahaed and submit 75 per cent anyway. We think you need the sewerage," even after the recommendations have been made, and does this happen very often by the EPA on other sewer projects throughout the nation?

MR. LORENZ: I can't speak for the other sewer projects about the nation. All I can tell you, sir, is that our policy is not to participate in any projects, not to participate financially in any projects that we do not approve of and do not meet our policy standards.

MR. DOHERTY: O.K. I thank you.

I'd like to ask Mr. Brodbeck a question at this time.

Can you answer me what the city's usual way of assessing someone in the city limits when you put a main by

their house is, by hook-on or by footage across the ground, or by the size of their lot? The city must have some standard practice already in force. This would give us some idea of how we may get taxed if we get included in the area.

MR. BRODBECK: Our standard procedure is to finance the treatment plant, city-at-large, from revenue from Sewer service charge. The Indian Creek plant, the Harold Street plant were financed that way, are being paid for on a monthly basis from a sewer service charge. The mains have been assessed either on a per acre or square foot basis throughout the entire basin that they would serve, and then, of course, the laterals off of that assessed back to that particular house which they are serving, but the main is usually a broad area of all the people that would be flowing into that. That has been the practice in the past. I would assume that the city would follow that, but that would have to follow a public hearing.

MR. DOHERTY: May I see if I understand you correctly, then? For the mains you put in, it's by acreage or footage?

MR. BRODBECK: It's been acreage, square footage, depending on which the benefit district might have preferred at that time. Square footage or acreage will come out approximately the same.

MR. DOHERTY: O.K., then you have to pay for the

connecting sewers, plus you have to pay for the tap-ins to those connecting sewers also. So you almost have a three-charge--plus a user charge, so you almost have four charges if you're not on sewers, is that correct?

MR. BRODBECK: Well, the tap charge, I'm not sure where EPA's press statement, where that came from. I don't quite understand that, to tell you the truth. The tap charge I assume they are talking about would be if you were not in that original benefit district and you wanted to tap on. I don't know where we're coming up with the tap charge. Maybe somebody else can answer that.

Our charges are cost of putting it in, and so you would have one charge for the main line going on that would serve everybody in the area. You would have a second benefit district for the lateral that might serve your subdivision or your street only, and, yes, there's an ongoing sewer service charge that pays off the cost of the treatment plant plus the daily operating costs, so three, and there would be a one-timecharge for tapping onto the line, whatever cost to actually dig the hole and tape on.

MR. DOHERTY: On your monthly service charge, is that based on water consumption, or is that based on just a standard charge to everybody the same, how do you prorate your service charge?

MR. BRODBECK: Our charge is based on consumption.

Those people that are out in the county are based on assessed valuation. So if you're in the city, it would be based on consumption. If you're in the county, the county now uses assessed valuation there. I know they have been discussing other methods.

MR. DOHERTY: Because you wouldn't have any water to be able to tell.

MR. BRODBECK: That's correct.

MR. DOHERTY: Thank you.

Also, I would like to ask if there is any definition in the EPA of what a lot size is. What do you consider a lot size? There's a lot of definitions. Is it an acre, 100 by 125, two acres, or what? You must have had some idea when you made that statement what it consists of.

MR. LORENZ: In reference to the lot size for use in a draft environmental impact statement, there was a policy statement put out on behalf of the state and the county indicating that there would be a minimum lot size for people who were on septic tank treatment systems, and this expressed a minimum number of square feet or some minimum acreage.

MR. DOHERTY: At one time you assessed--well, somebody in there did, assessed a regular, standard city lot at about 15,000 square feet, which is a little bit larger than 100 by 125.

MR. LORENZ: You are referring to the minimum lot

size allowed by the city?

MR. DOHERTY: Right, for housing, and is that what you are considering as a lot size?

MR. BROWN: No. It depends on where you are. The county has a higher minimum requirement, if you are not on sewers. So for the same number of people, it takes more acreage using bigger lots.

MR. DOHERTY: Thank you.

My other question would be about the unified sewer district being built in Johnson County; and in your draft, you mentioned at some future point if the City of Olathe so grows, that somewhere up in that area, I believe--I don't know quite where you are talking about, Maybe it's over by Millcreek--that there is a Plant 7 and 13--I don't know if I quite have those correct, but there are some other sewer facility plants; and that Johnson County, in building its unified sewer district, may want Olathe to tap into that and just close all this out up here and run its mains over into this unified sewer district, abandoning all this (indicating), is this true, I mean not abandoning it, or would it be closed out?

MR. LORENZ: What I believe you are referring to there, and let me digress for a little history of the project area, we have what is known as a two-way planning area, and this area is called market, and then Mid-America Regional

Council--I'm sure probably quite a number of you have heard of it, and this group tries to assess and direct the growth of the area that they are responsible for. Now, they have recommended in the area-wide 208 plan that wastewater be treated on a basin-by-basin basis; and in developing that particular plan in this area, they have suggested that eventually there would be a large sewage treatment plant somewhere near the mouth of Millcreek as it flows into the Kaw River and somewhere between there and Olathe.

Also, there would be a large sewage treatment plant placed in an area that is proposed now for a sewage treatment plant, that being near the confluence of Little Cedar Creek and Cedar Creek and also one on Cedar Creek near the mouth of that creek at the Kansas River. Now, these I want to stress are plans, long-range plans, that would be, that they expect to come into effect in perhaps the next 50 years. So we're talking about a long-term plan of a great deal of time in there to develop additional population in these areas.

Now, what they are referring to in the draft environmental impact statement is that the 208 plan suggests that the Harold Street station or Harold Street sewage treatment plant will eventually be abandoned, and the waste water that would normally go there would be piped through a main to a large sewage treatment plant somewhere between

Olathe and a plant down at the mouth of Millcreek. Now, there is a plantsite now around 95th or 99th on Millcreek that belongs to the Johnson County Unified Sewer District. There's a possibility in the far-flung future that that might develop into a site for a large countywide sewage treatment site. That's what they were talking about when they talk about the eventual abandonment of the Harold Street Station.

MR. DOHERTY: Thank you.

I have one more question to ask you.

Do you ever approve or recommend a no-action plan so that another plan can be revised, especially when you have as much opposition perhaps as you have here to eliminate the Upper Cedar Creek Basin or the Little Cedar Creek Basin, whatever, or revise the plan so that at least the people that are going to be on the sewers would be the only ones paying for it.

MR. LORENZ: In answer to your first question, yes, we do, when the situation warrants it, recommend the no-action alternative. We just got through doing that out in central Kansas in an area where they wanted to have, or a various interest area wanted to have a sewage treatment plant, but they failed to demonstrate a need for it. The recommendation by EPA was that it would not be funded.

The second part of your question was, would you re-

peat that?

MR. DOHERTY: So that a new plan could be drawn that would only, you know, I don't think most of this area out here is really going to get connecting sewers, all out in here (indicating). It's just going to cost too much money, and, you know, you could include Persimmon Hill and the estate out there by the lake that needs sewers into a plan and they would be tapped onto them and use them, and they probably wouldn't mind the charge for them, or I don't know, maybe they would.

MR. LORENZ: You're in that process right now. That's what your draft environmental impact statement is about. That's why we're collecting comment on it, to tap the public views on this; and at sometime after the commentary period, we will address each one of the comments that are made and make an assessment of the project and the need for it, any special interest groups that are for it and opposed to it, and make a decision based on that.

In this same period, there may be additional plans submitted or some changes made in existing plans, but we are still in a period of flexibility, and we are collecting this public comment as part of that flexibility.

MR. DOHERTY: I'm afraid you raised more questions. My other one would be that, say, you recommend the plan and we do not get annexed, the way that you state in your draft

that we can be taxed is by the Johnson County Commissioners to form a benefit district, and, say, we oppose this, and we have enough petitioners or enough force to get it opposed, and you have already recommended your plan, what happens to it then, does it just collapse?

MR. LORENZ: Right now there isn't any demonstratable need for people out on the far west side over here (indicating) to be connected to this plan; and as the city has already indicated, they don't at this time have any intention of including this western part of the plan. They're really interested, and what they intend to do, is this part over there (indicating). As a consequence of that, the plan may still be instigated. However, if you are not in an area that can be served by it, then EPA has recommended that you not be assessed on the basis of it running in the vicinity of your property.

The county--I'm not speaking officially for the county--I don't believe the county has any interest at this time in forming a benefit district in areas that can't demonstrate a need for it. Now, if there was a need for it, and the type of need that I'm talking about is overflowing and failing septic tanks and population densities getting around to the point where the ddisposal of sewage waste represents a health problem. These are the types of things that would motivate the county to investigate forming a special

benefit district around that area; and as such, you would have input to the county through their process to express your views about it.

MR. DOHERTY: If you know the city's feelings of not wanting to include us in, and you express the thought that the county would not assess us, why don't you choose a different plan or recommend a no-action plan that eliminates this? You have the power to do this because there are, like you say, 11 plans. Some of them--well, I don't know of any of them, really, that eliminate this trunk sewer from what I've seen on your pages; but if you recommend a no-action plan, and then they came back and recommended just, say, something in to serve the city, we wouldn't have to worry about the county or the commissioners or the city annexing us, and this will be all I'll bother you.

MR. LORENZ: Making a decision on which plan will be picked, of course, will be made by our ultimate decision maker, the Regional Administrator of the Environmental Protection Agency. She will consider these proceedings, as well as other written comments that have been submitted, as well as our own, and the city's position in justification to various parts of the project.

The bottom line of what I'm trying to say is I can't tell you right now why we would pick this plan or that plan, because that's not in my power, and we have not

come to that point tonight right now to do that.

MR. DOHERTY: Thank you very much.

STATEMENT OF DICK SENCHAK

MR. SENCHAK: My name is Dick Senchak, S-e-n-c-h-a-k. I live at Route 3, Box 67, Olathe.

I'm outside of the city limits, and I object to the proposed plan basically as a federal taxpayer, and I think most of the people here, because we're going to pay 75 per cent of this project, and I believe that the EPA has not investigated the people in Olathe who will not only pay their share of the 75 per cent but also will be assessed by the city some way to pay for this project.

I live in the area near the lift station, which I don't think, down on the bottom of Olathe Lake, which is, I would think, in the long-range plan of coming across to the south, southwest, to pick up whatever expansion in industrial facilities go in in that area; and the lift station going through that area, or the force main coming to that lift station becomes very expensive because of the type of excavation that would have to be done along the way, and, then, the orders and the problems of the lift station itself, then coming in behind this through the residential and farming properties down to the proposed sewage treatment plant. I think that the EPA should get the feelings of the people of Olathe that are going to share some of this ex-

pense.

That's all I have to comment on.

STATEMENT OF SHIRLEY HOOTEN

MS. HOOTEN: My name is Shirley Hooten, H-o-o-t-e-n. We live 24950 West One Hundred and Nineteenth.

I have a question on trying to determine if this treatment plant is directly off of One Hundred Nineteenth Street, west.

MR. LORENZ: My name is Tom Lorenz.

I'll answer that as best I can. The exact plant treatment site has not been picked or revealed yet. It is proposed to be in the general area of the confluence of Little Cedar and Cedar Creek.

The city has expressed the desire to keep the actual siting to themselves to prevent speculation on land prices in that area and so on. So that will not be revealed until the design and specification part of this particular project.

MS. HOOTEN: We just moved to the area in June. I lived in the city limits of Olathe, and we looked for some time to find something that was natural and beautiful and a place that the children would enjoy, and we do live off of One Hundred and Nineteenth in a secluded area, and it would be a shame to destroy all the woods, the trees, and the animals.

That's all I have to say.

MR. ADING: Bill Ading.

This proposed place that you are talking about putting this treatment plant is in the Cedar Creek bottoms, right, and is it not true that Ashgrove Cement is talking about developing in a lot of those bottoms down there, and, also, J. C. Nichols is buying a lot of land out there, is this not true?

MR. LORENZ: I don't have any knowledge of any type of development planned in that particular area down there or who has bought or holds options on the ground.

MR. ADING: It's my understanding that Ashgrove Cement has owned that ground for--well, they have owned it for a long time, and they are wanting to develop it from One Hundred Nineteenth Street on 7 Highway to Moonlight Road off of One Hundred Twenty-seventh Street.

MR. LORENZ: I don't have any comment about that because I don't have any knowledge in that area.

CHAIRMAN HOFFMAN: I'd like to suggest at this point that we take about a ten-minute recess and come back. I've got about 15 minutes after 9. Come back at 9:30, those of you who wish to come back.

Off the record.

(A short recess was taken.)

CHAIRMAN HOFFMAN: We'll be on the record at this

point.

STATEMENT OF BILL HEATH

MR. HEATH: My name is Bill Heath. I live at Route 3, off of Dennis Road in Olathe.

That green line you've got there running west of the lake goes through a lot of my trees and everything. I've got some acreage there. When you put this through there, who's going to pay for it? Am I going to be assessed monies because it is going across my land?

MR. LORENZ: In the Environmental Protection Agency's plan, we would like to see a force main, that is, a main that has the material in it under pressure running along this area on the west side of the lake here (indicating). The reason for that is to put in a gravity main there, it would have to be set much deeper, and the extent of excavation would be considerably more, and we are interested in protecting the environment in the lake from the temporary pollution that could be caused by storm water runoff and such from the excavation.

Now, as far as assessment of any fees for that area, you would have to contact the city because the EPA will not be assessing any of those fees, and we don't have any policy about that. If you direct that question to the city, they could probably answer that.

MR. HEATH: There's a city representative here.

Could he answer me?

MR. BRODBECK: At this time we have no plans for constructing that line, so there are no plans for any assessment for that area.

MR. HEATH: Why is it on the map, then?

MR. BRODBECK: When you are going to study an area and apply for federal funding, the study boundaries are determined jointly by the State of Kansas, the city, and the Environmental Protection Agency. They were determined back almost five years ago. When we take a look at that, we should study the entire area, including the Millcreek Basin, to take a look at what the future needs of sewer service might be in that area, so an error in construction wouldn't be made and the planning would already be done. So we did have to take a look at the planning.

The city, after doing that, determined that it would be too expensive to the city and the property owners to build that west line. We have not been able to proceed from this point to that point until the environmental impact statement is over. Our intention then would be to apply for funding for the eastern portion only.

MR. HEATH: Thank you.

MR. HOOTEN: My name is Charles Hooten, and I have a question, I think probably directed to Mr. Brown.

In studying the environmental impact of this align-

ment of this on the gravity main system, do I understand that that is the preferred system at the moment, at this time, as far as the EPA is concerned and the city of Olathe?

MR. BROWN: I can't speak for the City of Olathe, and only with the permission of Tom, for EPA.

As Tom has said several times, the gravity sewer north of lake and down the Little Cedar Creek Basin, with the exception of pumping around Ernie Miller Park, is the preferred, EPA's preferred alternative.

MR. HOOTEN: The gravity main system?

MR. BROWN: The gravity main system, right.

MR. HOOTEN: Can you tell me, for instance, as far as the layout of that alignment, can you tell me where that line under the word "Little", on the title "Little Cedar Creek Basin, directly below the word "Little", can you give me any information as to what some of those distances might be?

MR. BROWN: No. In the facilities planning process, these are broad corridors, and this is a misconception we run into all the way through the study. The archaeologist says, well, now, which side of the creek do you want me to look at when I'm looking for archaeological remains as part of your study, and we say. "Well, why don't you look at both sides of the creek because nothing is definite enough yet as to even tell you which side of the creek the sewer is going to

be on. That will be determined in what Tom has been referring to as the Step 2 process when the city consultants actually get down to designing the sewer system. They will then determine which would be the better place to put it.

MR. HOOTEN: The proposed site that is indicated there for the treatment facility, that's only one of several sites that are under consideration, is that correct?

MR. BROWN: Yes, it's a general area location, somewhere in the confluence.

MR. HOOTEN: But that is the preferred site again as far as you are concerned?

MR. BROWN: Right.

MR. HOOTEN: And the agency you represent, is that correct?

MR. BROWN: Yes.

MR. HOOTEN: How would that site be serviced for maintenance?

MR. BROWN: You're leading into the down bridges on One Hundred Nineteenth Street. That is something again that would have to be decided in detail during the Step 2 design.

MR. HOOTEN: Now, wait a minute. Under your study, you had to consider access to a site in order to recommend a preferred site, did you not?

MR. BROWN: Now, we didn't actually recommend a

preferred site in this instance. The city said that our treatment plantsite is somewhere in the vicinity of the confluence. During the EIS study, our team looked--O.K., the two creeks come together. You've actually got three sides. We looked at all three sides in a rather broad radius to see what was there that might be damaged.

MR. HOOTEN: There had to be some thought given by somebody as to the alignment--

MR. BROWN (interrupting): Presumably, they would get out there along One Hundred Nineteenth Street. This is something that was addressed in the draft EIS, that one of the costs of putting a plant out there would be repairing bridges over One Hundred and Nineteenth so that they could get to the confluence. Right now it is not passable by ordinary vehicles.

MR. HOOTEN: True. Being familiar with the area, I know that there are no existing roads into where that particular site is on that particular map, and there would have to be extensive construction made just to get there, let alone build the thing; and once that is done, if the site does go there, it could only be served from the southerly side from One Hundred Nineteenth or from the northerly side by One Hundred Eleventh. Either direction would require at least a half a mile of road-building.

MR. BROWN: At least.

MR. HOOTEN: At least; and after that is over with, there is a constant maintenance for traffic. I would like to know approximately on a plant that size, of that capacity, I think the figure was something like 3 million gallons a day initially?

MR. BROWN: A million and a half initially--excuse me--two initially, going to three in 1990.

MR. HOOTEN: What kind of daily traffic would be required for a plant in full operation? If somebody lived on the street, you know, where there is one street into a plant that size, and somebody lived on that street, what could be expected to be going down that street as far as maintenance equipment every day?

MR. BROWN: Maintenance equipment for the plant?

MR. HOOTEN: Right.

MR. BROWN: Practically nothing, a sewage hauling truck once a day perhaps, maybe twice. What would a plant like that have, maybe four operators driving to and from work on eight-hour shifts.

MR. HOOTEN: So it would be minimal, then?

MR. BROWN: Right.

MR. HOOTEN: What has been done about these treatment plants that are obviously not wanted? I don't know of anybody, any developer building--the cost of housing in Johnson County today for a new house is--I'll pick a ballpark

stab at between sixty-five and eighty-five thousand dollars--I don't know of any developments of new houses going on around treatment plants. Has there anything been done for these facilities to increase their notoriety? I don't know of a cleaner way to put it. In short, if you're within a quarter mile of that thing, as far as past history is concerned, you're going to know it. Is there any technology in existence today that, you know, prevents that? The odor I'm talking about.

MR. BROWN: In the first place, the type of plant that's being proposed is an oxidation ditch, and this type of plant is relatively odor-free.

In the second place, there aren't any habitations at the moment within a quarter of a mile of that plant.

MR. HOOTEN: That's probably true.

MR. BROWN: That is one of the advantages for selecting that site. Presumably, if the plant were to be built within the next couple of years, as the city would like to see happen, then presumably people would have better sense than to build their houses next to it if they object to the odor of it.

MR. HOOTEN: What about the ones that may be there now that might be subjected to it?

MR. BROWN: Like I just said, there aren't any there now.

MR. HOOTEN: Could you tell me what kind of an easement might be required for a 48-inch trunk main and what type of a temporary construction easement in addition to the permanent easement might be required for a 48-inch trunk main, the normal, the normal?

MR. BROWN: It would vary considerably, depending upon the depth of the pipe and what type of soil they're going through. For the purposes of estimating how much damage would be done, we assumed that there would be a, I believe, and I don't even remember right now, I believe it was a 50-foot or 25-foot permanent easement that would be purchased, leased, or whatever, from the property owner, and a 100-foot wide construction easement on all of the sewers.

MR. HOOTEN: Were there any of the sites capable of serving a 1-1/2-million-gallon-a-day, I presume, expandable to 3-million-gallon-a-day site, within the city limits of Olathe to serve the same purpose?

MR. BROWN: No. The big problem with that is Persimmon Hill Subdivision, which is, if I am correct, right in this (indicating) area. To serve Persimmon Hill Subdivision by gravity, one must follow the watershed down to that (indicating) point. The only other way to serve Persimmon Hill would be either for them to build their own lagoon, which is essentially what they are doing now, but that would severely

restrict the growth that could occur there, or to pump them over the landfill into the Little Cedar Creek. This is why the state asked the city to move their proposed plant--the city originally proposed one of the alternatives, to pump from the north side of the lake over to an interim treatment plant at the north city limits on Cedar Creek.

When the state reviewed that proposal, the state requested that the plant be moved down to the confluence in order to better serve the growth that was occurring in the watershed that Persimmon Hills is located in, the subtributary, if you will, of Little Cedar Creek.

MR. HOOTEN: The alignments shown, then, by the gravity or the force main, either now, right now are just for the purposes of a study only, have really nothing to do with a permanent alignment even though they could be close, is that correct?

MR. BROWN: I would prefer to phrase it a different way, but essentially that's correct. The particular alignment, the city's consultants right now are not in a position to go out and state a particular alignment and be able to tell you this is where the sewer is going to be. They can say what they have said here, that it will be near the bottom of the creek valley somewhere. This is essential because water runs downhill for it to be a gravity sewer, and it has to be in the low point if it's going to serve

everything in the higher points.

MR. HOOTEN: The estimated cost of the line, am I correct, is 19 or 17 million--17 million, the gravity main?

MR. BROWN: If I remember correctly, the city's selected project was 19 million. The EPA's preferred project is 17 million, and some odd--rough estimates.

MR. HOOTEN: Is that based on today's construction costs?

MR. BROWN: That is based on 1979 construction costs.

MR. HOOTEN: That's all I have. Thank you.

STATEMENT OF EUGENE WARD

MR. WARD: Eugene Ward is my name. I work for the Northeast Johnson County Sewer District.

If looks to me like if you're going to put anything down there to take care of sludge, you wouldn't be talking about hauling sludge. You might be talking a little bit of ash, and then you could put in holding tanks and run your sludge over a digest or over your coil filter and incinerate. That would be a lot cheaper than handling sludge other ways, and you don't have toworry about landfill and worry about EPA telling you you smell, and the idea of telling up here four men to operate a plant, why, they wouldn't be doing much, because in the summertime they wouldn't be able to keep the weeds mowed. Four men wouldn't

be able to operate and keep the weeds mowed; and in the wintertime, they wouldn't be able to operate and shovel snow. So it looks to me like it's going to take more than four men to operate a plant, and they think that a man on a little plant doesn't have to be as smart as they do on a large plant, but I say a man that, or an operator on a small plant has got to be smarter than a man that's operating a large plant because he's got to be a mechanic, he's got to be a chemist, he's got to be all of it.

You take a large plant--well, down there at the plant, I think we have 106 employees--that's in the chemist department and all--of course, I worked today to get off tonight, you know, to be here to listen to them, and I work--well, now, we work two shifts down there, sometimes three. It just depends on how much sewage comes into the plant.

CHAIRMAN HOFFMAN: Can you wait just a minute, sir?

MR. WARD: Yes, sir.

CHAIRMAN HOFFMAN: Thank you. I'm sorry for the interruption. Please continue.

MR. WARD: You see, it, your work, goes by more than the sludge it contains. Some days we'll run 75,000, or 75 tons of sludge through that filter a day in 14 hours operation.

CHAIRMAN HOFFMAN: Which plant is this?

MR. WARD: The Northeast Johnson County Plant at 4800 Nall. So you see, but, we're running sludge from Indian Creek Plant, we're running sludge from Cherry Creek Plant, and Mission Main Plant. Besides that, they're hauling in from Little Nell. So you can see that it takes more than four men to operate a plant, if it is only a small one. You're going to have to have help. You can't operate on nothing.

CHAIRMAN HOFFMAN: Do we have another statement? Here we go.

STATEMENT OF LOYD SLEEZER

MR. SLEEZER: My name is Loyd Sleezer, S-l-e-e-z-e-r. My residence is 707 Church Terrace, Olathe, Kansas. I'm the Executive Vice President of the Olathe Area Chamber of Commerce.

We have been looking at this for the last five or six years and we certainly are in great support of it. But it appears that EPA has in mind the plant to serve the greatest number of people. We've heard many complaints in the area that you've shaded there, the yellow shade on the

left side, this area in here. And with this plant here, it is going to relieve Mill Creek. And it's going to be able to let us develop and create jobs in this particular area.

When I came to Olathe eight years ago I saw some forecasts, population forecasts,annulled to which I took exception because of my past experience in industrial areas. Also at that time I read a report from the Metropolitan Planning Commission out of Kansas City that Olathe was one of the ten metro centers in greater Kansas City. That report, dated 1971, has proved itself and is proving itself every day. The population forecast for 1980 that the city was using at that time, if I recall right, was something like twenty-two or twenty-four thousand people. Today it's 37,000 according to the 1980 population census. The population of Olathe is going to continue to grow, regardless of whether we want to or not. Of course, at my age I am not going to be contributing to population growth, but the average person in Olathe today, according to the government census, is 24 years, which means the child-bearing age. The school system here is continuing to grow, which means population growth whether we want it or not in the population of Olathe. The quality of life in Olathe is excellent. This is why people come here. Many people that complain about the growth in Olathe came here, and maybe the people before them shouldn't have permitted them

to come. But the people in Olathe are friendly, are a group of people that attract people to come out here to live. But we do need jobs. We have created about 700 new jobs a year. Last year there was 126 new businesses moved into Olathe. Regardless of General Motor, we don't know whether we're going to get a General Motor Plant or not. They are a very fine plant, it would be a great asset to the Olathe area. But businesses come out here, they contribute to the growth, but only to the people that work there. Business also makes a very meaningful contribution in taxes and in using the services, payments, for instance, in sewer usage and water usage and all, that help to free, and more than pay their share, and make it reasonable for the people that live in Olathe.

The mill levy this year, well, the mill levy in the last eight years has not varied more than three mills in the city of Olathe. because business growth has come in conjunction with home growth. And this project here, if it's permitted at all will help business and industry to create jobs for the people and for the children living in Olathe now and to come. We would certainly like to see this project approved as soon as possible and construction started, because we feel that it would be a meaningful contribution to the quality of life of Olathe. Thank you.

CHAIRMAN HOFFMAN: Thank you, Mr. Sleezer.

We have a gentleman over here.

STATEMENT OF WARREN DURRETT

MR. DURRETT: My name is Warren Durrett, D-u-r-r-e-t-t. I'd like to congratulate the EPA on a beautiful and detailed report. I'd like to congratulate Mr. Brodbeck on his patience as he is treated as public enemy number one instead of the professional administrator that he is, concerned with people on all sides of town.

Although there are some immense and valid concerns of cost there are some, I think, very exaggerated imaginations of devastation connected with building sewers. I'm a land developer and I'm a little closer to the sewer picture in Olathe than perhaps some, not as close as the city government. I know that Olathe sewers are in pretty bad shape on the west side. I know that the state put a stop on all connections last year for a good many months. I know there are lift stations crisscrossing everywhere that are giving problems to the city, which could be alleviated with a system like this projection.

It's probably strictly a personal thing about Ernie Miller Park, but I know the ASCS office has been sharing half the cost of clearing trees off farms, and as you build waterways, if you don't keep them cleared out with bulldozers, they'll put the finger on you to pay half the cost that they paid in the first place. As I drive

past Ernie Miller Park, I have never yet seen anyone coming in or going out of there. I think the loss of a few trees temporarily is an exaggeration. Those trees grow back so fast in that lowland you can hardly turn your back before they're back.

I personally think the bureaucratic process has been working beautifully and everyone has expressed their feelings, which is the way it should be. But I think sooner or later it's time to get the show on the road. This sewer is needed, and I'd like to encourage progress toward that end.

CHAIRMAN HOFFMAN: We have another comment.

STATEMENT OF BARBARA ENRIGHT

MS. ENRIGHT: My name is Barbara Enright. I live north of Olathe Lake on Lakeshore Drive. I think the last two speakers were very nice, sweet, in fact. And I would back the two gentlemen with everything I have if it ends up in the city limits. You are asking us to disrupt our ground, our trees, our animals, whatever you want to call them, we like them. That's why we moved out there. You like the city, that's why you're there. You want the plant, put it in your backyard. Don't tear up our trees, the coyotes that we hear every night, the deer that we go and look at in our milo field every night. You tear up your streets in Olathe, put in the right size sewer things that

hold whatever you're wanting to pump out, because I don't know the proper words to use. You tear up your city streets, your city property, you make the plants that you've already got big enough to use, and leave our area alone. It's your sewage and your problem. The county is our area and our wild life, our homes, and our ground. You ride out to the country to enjoy it. You come out on a Sunday afternoon to drive up and down my road to see my deer, my coyotes, anything else that's out there. I don't come to town to look at your sewage plants. I don't think any of it is necessary. I think there are enough brains that could be used in the city people to remedy this problem and to leave the county people and their land alone. Thank you.

CHAIRMAN HOFFMAN: Thank you. Do we have someone else?

STATEMENT OF JOHN ENRIGHT

MR. ENRIGHT: I'm the husband to that, and I love her. My name is John Enright, first name spelled J-o-h-n E-n-r-i-g-h-t. Right where you've got the little yellow and blue spot, I spent 37 years there, 38, and my father spent about 68 there, and his father spent his life there. I've lived off that land, so has my father. I have killed for food off that land, and I don't think anybody can say that I have killed more than what I could eat.

I would like to ask the city of Olathe how much they plan on killing, and how much they plan on eating. I also would like for them to ask me where I think they ought to put their sewer plant. Thank you.

CHAIRMAN HOFFMAN: I have a gentleman here.

STATEMENT OF JOE BARTLETT

MR. BARTLET: My name is Joe Bartlet. I live on Highway 7 just south of Santa Fe. I've been there now just about 22 years. When I bought there 22 years ago I was in the county township. It was only a couple of years after that that the city had to grow, had to expand, so we were taken in. I think probably there's no doubt but what the plan as laid out is almost an absolute must. Every change is going to disrupt some people some way some time.

To allay a little of the fear that some people have of being overly taxed and assessed, I would like to say that about sixteen to eighteen years ago our property, about four acres just off 7 Highway, was crossed by sewers that are needed for the development of the west side of town. Like Mr. Sleezer, I'm certainly not going to be contributing to the population increase, but I do realize that progress is an absolute must, that when it is coming and will come, in all development and all expansion, the cost is going to be much, much greater three, four, five, ten years from now than it will be now or would have been

two or three years ago.

Just to get a little more idea, the sewer went across our property, let's say, about sixteen or eighteen years ago. I wasn't forced to attach or hook onto the sewer. Perhaps I would have been very much better off if I had. No coercion. I feel a very reasonable assessment. I believe our assessment has been running two or three dollars a month for several years now, increased slightly maybe every three or four years, but I know that the property value has increased far more than that.

I look at this plan here, although the people west of the lake perhaps will be, or if it goes through now, and I've been told or heard three or four times tonight, there's nothing definite about it, mandatory about it, at the moment. It's just a long range view of what eventually as the community grows, and there's no way to stop that, that the time will come probably when there will have to be a line down there. The one on the inside of the smaller creek through Miller Park, as I said awhile ago, is probably an absolute must and well laid out and considered and planned.

I certainly don't like the idea, and I don't think anyone else does, of building interim plants halfway down some particular creek that will have to be dismantled and torn down and hauled away in trucks and a

much more expensive plant built a few years later on down at the proper place, which is all laid out pretty much by the way mother nature made our land and the lay of it many years ago, and that was something none of us could control either.

So, I encourage the EPA people to continue with the study and do things the way that looks like it's the most practical, hopefully before another eight or ten years go by, and it will cost all of us at that time five, maybe ten times more than it would today or might have, as I said three or four years ago, had not this thing all been stopped at that time. I want to thank you very much for this opportunity to have these few words about this operation.

STATEMENT OF MARY STRICKER

MS. STRICKER: My name is Mary Stricker, and I live at 16740 Clair Road. We would like to know how far south will this sewer go. Will it go to One Hundred Sixty-Seventh Street? Will it cross One Hundred Fifty-sixth or 56 Highway, and then will it cross on the south over the Santa Fe tracks? Will it come that far south?

CHAIRMAN HOFFMAN: Tom, do you want to respond to this, or Mr. Brodbeck?

MR. LORENZ : That particular proposal I was trying to find out is in Park Street.

MS. STRICKER: That would be way up in Olathe then, wouldn't it?

MR. BRODBECK: Yes, but we are looking through additional studies of serving this area right here. And as I said earlier in the meeting, as a separate engineering study we're taking a look at how we might serve that area, and have contact with the neighbors in that area, about the possibility of serving that with a system that could be connected to this.

MS. STRICKER: Would it stay in Olathe Township, or would it go in Gardner Township, or Springhill Township, or would it cross over whichever way the land went?

MR. BRODBECK: We held a hearing which we invited, sent letters out to everybody, that was in that proposed southern district that might be formed. I don't know whether we went south of Olathe Township or not. I do not recall if we did, but we could have. What we were doing was asking the people in the area if they were interested in starting to go into a 201 study or our own for a sewer district.

MS. STRICKER: I just wondered if it went down to like One Hundred Seventy-Fifth Street, that's where Gardner Township and Springhill--it wouldn't go that far south?

MR. BRODBECK: No, our plans did not go that

far south.

MS. STRICKER: Thank you. That's all I wanted to know.

STATEMENT OF ED WINE

MR. WINE: I'm Ed Wine. I live at 15885 South 169 Highway. I live just about right in the middle of the proposed industrial area that they're planning on forming down there. The only thing I'd like to know right now is what the plans are for any sewers coming down into that area, whether General Motors comes in or not, and as to whether the EPA is already making a study on this.

MR. LORENZ: The environmental impact statement concerns itself simply with the alignment of the sewer mains, the gravity mains and the force mains. Now, as far as formation of sewer districts or smaller sewer districts off on collector systems, say, that would extend off into areas down to the south there, those would all come under the perusal of the city. They would be the ones that would design those and they would be the ones that have the plans for that type of thing if there are any in existence.

MR. BRODBECK: As I stated this previously, the city did invite the property owners in an area we felt we might want to develop and asked them to contact the city to see if there was an interest. We will be signing an

engineering contract Tuesday evening, I assume, for a proposal for the new hospital and the new hotel, that property being right south of One Hundred Fifty-First Street. They have responded in the positive saying that they want to be in a benefit district and have asked us to go ahead and prepare engineering design plans for that consideration. So I assume Tuesday night that we'll sign a contract to determine what the cost of that would be. That's the only two individuals or two property owners that have indicated anything immediately. I have received two other calls from two other property owners that said they would like to have a benefit district formed if other people in the area are interested.

MR. WINE: When was this meeting held? I've been a resident down there for 25 years. I never got any notice on it.

MR. BRODBECK: That's because your area wasn't being considered at that time.

MR. WINE: Oh, this is just down to One Hundred Fifty-First Street?

MR. BRODBECK: On the area east of 169. It did not go further than approximately halfway between One Hundred Fifty-First Street and One Hundred Fifty-Ninth Street. The Southland industrial properties had requested to appear. The Hall properties in that area had requested,

and I don't know of anybody south of those properties that received anything east of U. S. 169. West of it it did go farther south because those people had contacted us.

MR. WINE: I live on south.

MR. BRODBECK: Yes, but aren't you east of U. S. 169?

MR. WINE: I'm right on the east side of it.

MR. BRODBECK: We only went halfway between One Hundred Fifty-first and One Hundred Fifty-ninth at that point. As I said, the Southland properties, the Hall properties, all those that were in the northern half of that quarter, west section, excuse me.

MR. WINE: What's the plan now from One Hundred Fifty-first on down into the One Hundred Fifty-ninth Street area with the sewer for industrial purposes, whether General Motors goes in or not?

MR. BRODBECK: If General Motors doesn't go in, there isn't one at the present time.

MR. WINE: O.K., thanks.

CHAIRMAN HOFFMAN: Have we exhausted the comments?

STATEMENT OF ERNIE IKEMAN

MR. IKEMAN: I'm Ernie Ikeman. What is the procedure from here on? What will happen next? Will there be another meeting on this for the residents to attend or what is the next step?

MR. LORENZ: The next normal step in this process is to draft a transcript of this hearing and to collect the various written comments that have been submitted on the draft environmental impact statement. The Environmental Protection Agency and their consultants will work over these things and answer all the questions that can be answered. There will also be an evaluation made of any suggestions that are made for changes in the project. If this goes through a normal process, there will be a final environmental impact statement published which will have the selected project in it and an answer to the questions that were raised and the comments that were made concerning the draft environmental impact statement. Now, there is a possibility that a draft environmental impact statement might be deemed inadequate, for some reason or another. Or some areas of serious consideration may be brought forward that were not known or have developed since the draft environmental impact statement was written, at which point there's a possibility that we might go to a supplemental draft environmental impact statement. Then from the supplemental draft environmental impact statement we go to the supplemental final environmental impact statement.

So what I'm saying in the short, is that we can go through the environmental impact statement process and

come out with a final, or the other alternative, if for some reason we need to consider something else seriously, and develop an analysis on it, we could come out with a supplement before we got to the final stage.

MR. IKEMAN: Will there be another point in time, another meeting will be called when you have reached all these conclusions for the residents of the area to comment on your final conclusions, and all, or will this just be a final statement before the project is initiated?

MR. LORENZ: One of the reasons that we handed out registration cards was so that we could develop a mailing list to mail a copy of the final environmental impact statement to those people so that they will be able to see and read for themselves the answers and see the influence that this type of a public meeting has had in this process. Now, there's a possibility that if the issues are not sufficiently settled, that there could be additional public hearings. If we go the normal route, and we end up going directly into a final environmental impact statement, there is no requirement for a public hearing on that. There would simply be notification in the various ways required by the statutes that a final environmental impact statement has been made, and it will be distributed. Now, there can still be comment on the final environmental impact statement. But that will be a written comment, not

normally a public hearing.

MR. IKEMAN: Alright, I for one have just picked up a copy of this draft, and I'm sure that after I have the chance to go through it that I'll have several more questions that I would like answered some point in time. And you suggest that that be done in writing to the EPA, is that what you're saying?

MR. LORENZ: Yes.

MR. IKEMAN: Thank you.

STATEMENT OF ED SCHOENHOFER

MR. SCHOENHOFER: Ed Schoenhofer, S-c-h-o-e-n-h-o-f-e-r, 24805 West One Hundred Thirty-Third Terrace. I've been listening all evening and I hear you called the Environmental Protection Agency, and it sounds to me more like you're a cost-efficiency agency. It seems to me like if you were trying to protect the environment that you would run this sewer from Persimmon Hill, which everybody is worried about, back down 150 and run down 7 Highway or something, and leave the folks on the west side, who the majority of have their own systems, anyway, not ruin their decor. The only reason I can see it going this way is to simply make it easier, not to protect the environment. I just want to go on record as opposing not the sewer system, as such, but the way it's being done. I think it should be done in a way not to ruin the environment for the people

who are already living there, ruining their, more or less, way of life. Thank you.

CHAIRMAN HOFFMAN: We have somebody over here with a comment?

STATEMENT OF MARY ZIBELL

MR. ZIBELL: My name is Randy Zibell, Z-i-b-e-l-l. Reading through this statement, if I have one criticism to make it would be that the premise of this thing is the population estimates and I don't think that there's been enough background work done in that regard, at least that I saw in the statement. On the final draft I think maybe that could be elaborated on. It seems to me these people on the west side do not want a lot of people moving in. I don't know who the developers are or where they're going to come from. You know, I don't see those people selling their land off so that all these people can move into that area. It seems to me there's going to be more people where downtown Olathe is, the east side of Olathe, and that's where the sewer systems ought to be. I think that more consideration should be given maybe to the Mill Creek alternative. Although I think there was some, I didn't really see why it was discounted without a little further investigation. I think there was a cost difference there, but like this gentleman just said, if this environmental protection agency is going to seriously consider protecting

the environment, I think they need to go a little further into the eastern alternatives for a sewer system.

STATEMENT OF PAT WARD

MS. WARD: My name is Pat Ward, and I live at 15413 West One Hundred Nineteenth. My question is what kind of compensation is there going to be for these people's property that's defaced? I mean, you say you're not going to tax us but what are you going to do about all the trees, etc., that are ripped out? What kind of compensation is there going to be for that? I mean, you just come through and tear everything out and go on down the road, is that how it's done?

CHAIRMAN HOFFMAN: Mr. Brodbeck will respond.

MR. BRODBECK: The government agencies have the right to obtain easements from property owners. There are three procedures under state law. First would be that you would give us the right of way to do this at no cost, which is a common procedure.

MS. WARD: I'm sure we're all going to do that.

MR. BRODBECK: Well, it's done quite often, so it's not that it's not used. The second would be that the city and the property owner would negotiate for the cost of the easement. The third would be that the city could go to court and condemn it. Those are the three legal options available.

MS. WARD: Thank you.

STATEMENT OF EUGENE WARDS

MR. WARDS: Eugene Wards. I'll tell you, I live out here on the hill where we're high, dry and windy. We live within a little over a quarter mile from rural water, quarter of a mile from the city water of Olathe. Neither one will bring us our water. I appreciate the city of Olathe very much, that will let us take trucks and haul from the city waterworks. We give, I guess, I don't know, I guess 50 cents for 500 gallons. I don't know what it is. Anyway, I have it hauled out there. But what would we do if it wasn't for the city? We can't complain altogether about the city. We've got to give them some thanks someplace, because it costs them a lot of money to get this city water in, and I'd sure love to have it. I'd go in the city if they'd just bring me city water up the hill.

CHAIRMAN HOFFMAN: We've got time for another. I see another coming down the aisle here.

STATEMENT OF OTTO PRETZ

MR. PRETZ: I guess I'm about the last one. I live out in the western part right on that red line, about the farthest out one One Hundred Fifty-First Street just north of the industrial air base. What I'm wondering, I've listened here tonight and I haven't decided, am I to be taxed on this city sewer that comes out, that blue line

that comes down through there and runs over to Clair? It's about three miles from me. We won't be able to use it. Will I still have to pay for the city sewer?

CHAIRMAN HOFFMAN: We didn't get your name, Sir.

MR. PRETZ: Auto Pretz, 26911 West One Hundred Fifty-First. P-r-e-t-z. We have about 400 acres that's right on that red line. The reports we have is that we'll be taxed about $1,000 an acre. We can't stand that.

MR. BRODBECK: Again, at this time the city has no intention of even requesting funds for that line. We don't see a necessity for it during the study period, and therefore there would be no assessment for that line if it's not built.

MR. PRETZ: If it is built will there be?

MR. BRODBECK: If it's built somebody is going to have to pay for it. I don't know who, how much, or when. But somebody has to pay for it, that's correct.

MR. PRETZ: We can't stand it.

CHAIRMAN HOFFMAN: Thank you. Thank you all for coming out this evening. Those of you who have survived clear through to the end of this have been very patient. And I, for one, am delighted that nobody threw any brick bats. If we have another hearing you will be appropriately notified in the press. Do you want to add to the record?

STATEMENT OF RANDY ZIBELL

MR. ZIBELL: In your next hearing could the EPA get together with the DOE and get the temperatures up in this building. I'm freezing, and I think Carter has still got the emergency building temperature restrictions in effect. I think he extended them. Thank you.

CHAIRMAN HOFFMAN: Good night everybody. Thank you.

(Whereupon, at 10:35 o'clock p.m., the hearing in the above-entitled matter was closed.)